

PREFACE

I was asked by the plaintiff to act as an expert witness and give my opinion about the authenticity of the acrylic on canvas painting "Wheel Of Life", 34 x 34 inches, signed and dated 1979, alleged to be by Norval Morrisseau.

I am not receiving any monetary or other compensation for producing this report. I have no obligation to the plaintiff or to the defendant, and my opinion has not been influenced by them.

There is much more at stake here than just one small claims litigation. All art by the aboriginal peoples of Canada, and Norval Morrisseau's art in particular, is an important component of the culture of this nation. Confidence, credibility and truth are essential for the integrity of our culture and its heritage.

Therefore I believe I have a moral obligation to help protect the legacy of this artist, who had a long-standing trust in me. Obtaining truth and justice for the artistic legacy of Norval Morrisseau is a problem of giant proportions. This report represents one small step forward to try to achieve this goal.

My role is to assist the court on matters within my expertise. I believe that I give my opinion and speak neither for my "side" nor for that of the defendant, but as a professional art dealer on behalf of my profession, in the interest of truth and justice.

Donald C. Robinson, BaSc., M.B.A., P.Eng.

*This report should not be relied upon for any purpose other than use in the legal proceeding for which it is intended.

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FOREWORD

The plaintiff arranged for me to see and examine the painting in question, "*Wheel Of Life*", 34 x 34 inches, dated 1979, claimed by the defendant to be by Norval Morrisseau.

I was able to closely observe and photograph details of the purported syllabic signature on the front side, and the purported handwritten signature, date and title in drybrush paint on the reverse side. In addition, I was able to closely examine the fine details of this acrylic on canvas painting, its style, the individual images used in its composition, the brush strokes, and the colour palette used.

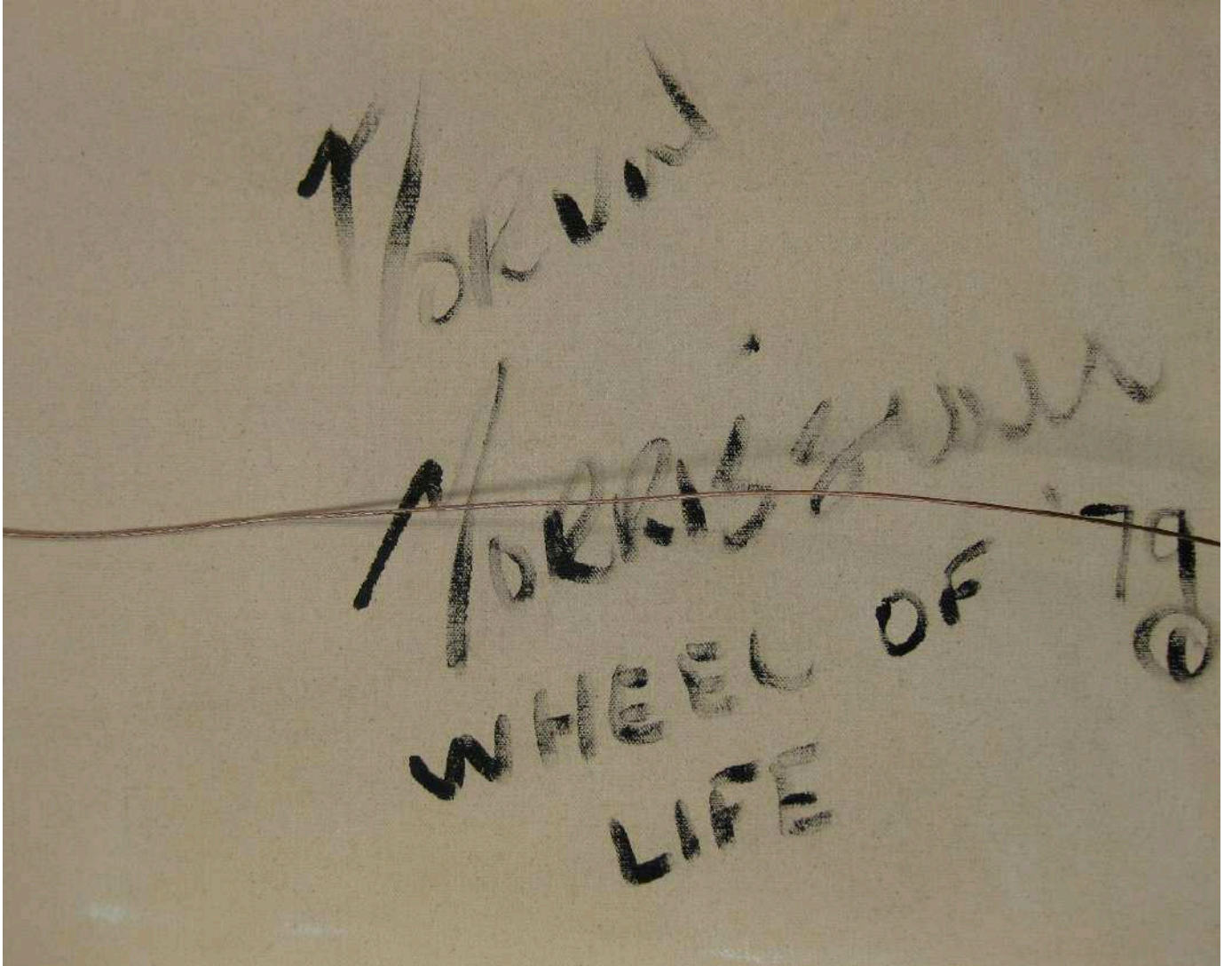
I was also able to photograph the complete front and back of the painting in high resolution colour, as well as smaller segments of it at even higher resolutions.

The opinion and conclusions I reached about the authenticity of this painting were assisted by my being able to access the actual painting itself.



Wheel Of Life, 1979
Fig. 1

THE SUBJECT PAINTING



Reverse Side of
Wheel Of Life, 1979
Fig. 2

SUMMARY OF OPINION

1. The claim that the subject painting is an authentic work by Norval Morriseau is not supported by a large amount of diverse evidence. I used traditional art historical methods to examine the authenticity of this painting, including investigation of its provenance, signature analysis, Morellian stylistic analysis, and reverse side documentation analysis. Each of these areas of investigation revealed problems with the painting's authenticity.
2. No provenance back to the artist is available for this painting. The provenance provided is not credible.
3. Signature analysis revealed that the syllabic signature on the front of this painting is similar with some later signatures of the artist, but completely inconsistent with authentic documented syllabic signatures from the same 1970's time period.
4. Comparison of the handwritten signature in paint on the back of this painting with indisputable authentic documented handwritten signatures revealed unequivocal evidence that this signature is not by Norval Morriseau's hand.
5. Comparison of the handwritten title on the back of this painting with authentic specimen titles and handwriting from the same time period provided strong evidence that this title was not written by Noval Morriseau.
6. Morellian stylistic analysis revealed a number of significant pictorial design elements in this painting inconsistent with those used by Norval Morriseau. Any one of these would have been sufficient to cast doubt on the painting. Together, this large number of design inconsistencies clearly demonstrates, beyond any doubt, that this canvas was not painted by Norval Morriseau's hand.
7. Examination of the reverse side revealed that the painting lacks any secondary supporting documentation (gallery labels, framer labels, gallery inventory numbers, dedications, previous owner's marks or letters) very often found on the back of or accompanying older secondary-market paintings.
8. Reverse side documentation analysis demonstrated that the writing and printing in heavy black dry-brush paint on the back of the canvas, alleged to be by the artist, is completely inconsistent with Norval Morriseau's practice. Morriseau did not use drybrush paint to sign, title, or date his art in the 1970's, or any other time.
9. This painting is not an exact copy of an authentic work. It is a poor imitation filled with inconsistencies. Any one of these would be sufficient cause to reject it as an authentic work.
10. Taken together, all of the above evidence overwhelmingly supports the conclusion that the subject painting was not painted by Norval Morriseau's hand. I have reached this conclusion with a one hundred percent level of confidence.
11. For appraisal purposes the fair market replacement value of this painting is \$200.

INTRODUCTION

I am one of the founders and owners of Kinsman Robinson Galleries (KRG), a division of Tele-Connect Publications Ltd., 108 Cumberland St. in the Yorkville District of Toronto, operating as a fine art gallery since 1980. Prior to that I was an art collector, an art advisor and consultant, and between 1975 and 1980, author and publisher of The Canadian Art Investor's Guide. I am the joint author with the artist Norval Morrisseau of two sold-out hardcover books, published in 1997 and 2005 by Key Porter Books, Toronto, about the man and his paintings. I have been certified and authorized by Morrisseau as an expert in his art and granted his written authority to authenticate his art (Appendix 4). I am a member in good standing of the Art Dealers Association of Canada (ADAC) which as a condition of membership requires members to uphold high ethical standards of professionalism. My Curriculum Vitae and reference letter are reproduced in Appendix 1.

For the past 25 years I have been marketing primary and secondary-market paintings of Norval Morrisseau, along with several other contemporary and historical artists. KRG started representing Norval's work in Toronto in 1989. On March 6, 1990 KRG signed a written agreement with the artist to represent his work exclusively in Canada. (Appendix 2.) KRG continued to be his principal dealer until his death, a period of 19 years. This is the longest period of time anyone has ever represented Morrisseau, exceeding that of his original art dealer Jack Pollock. During this time no other dealer in Ontario received any paintings directly from the artist, or from his business manager and informally adopted son, Gabe Vadas.

Together with the artist and Gabe Vadas, I developed a marketing plan designed to introduce stability in the marketplace. Its purpose was to correct the preexisting imbalance in the prices asked for his paintings across Canada, and to achieve gradually increasing nationwide prices. These objectives were realized. During the next 18 years KRG held a series of highly successful sold-out exhibitions. During these years the artist and I developed a close personal relationship and we visited each other at home on numerous occasions.

For several years prior to 1989 and afterwards up to the present time KRG also handled secondary market Morrisseau paintings from all time periods, with authentic provenances traceable directly back to Morrisseau. These included individual paintings and exhibitions of paintings from the 1960's and 1970's. During this time period I have personally handled over 1000 Morrisseau paintings. In addition, I have conducted hundreds of formal appraisals of Morrisseau paintings, for private individuals, corporations, and public institutions. Thus I was able to study many early works from numerous collections over many years. In 2008 and 2009, KRG held highly successful retrospective exhibitions of paintings from all time periods spanning his entire career, including several paintings from the 1970's.

BACKGROUND

Norval Morriseau was one of the most original and important artists Canada has ever produced. His artwork will be revered by countless future generations. He was one of the few world artists who created an art form that didn't exist before him. Just as Tom Thomson inspired The Group of Seven, Morriseau inspired the Woodland School of Art. He gained worldwide recognition and received many honours. Transcending cultural barriers, his paintings teach the world the dignity of the Anishnaabe people, the importance of the environment, and the interconnection among all living things. Morriseau's works are a national treasure. His major mural *Androgyny* currently hangs in the Governor General's residence in Ottawa. Morriseau died in Toronto on December 4th, 2007.

Starting in 1999, large numbers of paintings purported to be by Norval Morriseau were sold at Khan Country Auctions, operated by Randy Potter in Pickering, and in more recent years, at Randy Potter Auctions in Port Hope, Ontario. They were acrylics on canvas, signed on the front with Norval Morriseau's syllabics signature, and titled, dated, signed, or initialed on the reverse. They were usually dated in the 1970's with a few dated in the late 1960's. More recently, dates in the 1980's have been appearing.

The writing on the back is done in black paint, in large letters, often appearing faded and somewhat indistinct. This is accomplished by using a drybrush (DB) technique. Drybrush is a painting technique in which a paintbrush that is relatively dry, but still holds some paint, is used. Most of the paint is wiped off the brush on the sides of the paint jar, before applying it. This is a common method used to paint weathering effects on model toys etc. and it attempts to make the painted result look faded and old.

Initially, collectors and dealers, including myself, believed the paintings were authentic. I had no reason not to believe the auctioneer when he told me they came from a single Thunder Bay collector who received them directly from the artist. Much later I realized this was not true. None of these paintings had a provenance traceable back to the artist as the creator. Potter did not reveal the name of the consignor, and I did not expect him to do so. This practice was not suspicious. Normal ethical art auction practice is to keep the names of consignors and purchasers strictly confidential. Potter also told me that Joseph McLeod, a gallery owner with a long-time experience in selling Morriseau paintings, had declared them genuine and was purchasing them. I confirmed this and it was a major factor at that time in my decision to purchase them. At first glance, the paintings looked like Norval's woodland style. The faded writing on the back, seeming to be further confirmation by the artist, looked aged and authentic. When they first came to auction in 1999 and in the belief that they were genuine I purchased 28 of them at consecutive Potter auctions over a 6-month period. Almost immediately I began to sell some of the lesser works at a different out-of-town art auction, to help finance continuing purchases.

By 2001 large numbers of these paintings had been auctioned and my suspicions were increasingly aroused by the sheer volume of paintings still coming on the market. Up to that time my sales of paintings received directly from the artist had been strong, and I was extremely busy with those sales. My first priority was to support the artist and market paintings received from him before any others. Most of the Potter-sourced paintings were left unframed and in storage as a

hedge for possible future use if for any reason my supply from the artist ceased. I did not send any of them to Norval for confirmation. However, in 2001 Jim White brought 23 Potter-sourced paintings to KRG for individual appraisals. I sent 23 large colour photos of them to Norval. He returned the photos with a signed letter stating, "I did not paint these 23 paintings." I told Jim White that his paintings were not by Norval and refused the appraisals.

After that I reviewed KRG's previous experience and sales of Morrisseau paintings. In my experience, Morrisseau paintings from the 1970's had previously been comparatively rare on the secondary market. I found that although KRG had handled hundreds of Morrisseau paintings we had never observed any painting with a provenance traceable back to the artist with painted heavy black DB writing on the reverse. In fact I confirmed that Morrisseau rarely wrote anything on the reverse, but when he did it was almost always written in small upper and lowercase letters, in pencil, ballpoint, or marker-pen, but not in large all uppercase painted black writing.

After some time I realized that all of my Potter-sourced paintings were not authentic. With the exception of the resales, KRG suffered a total loss on the remaining Potter purchases. For several years the remaining 16 Potter paintings were stored unframed and never offered for sale. In 2007 they were donated to the Norval Morrisseau Heritage Society (NMHS) for their use as examples, for scientific testing, and as evidence. If the donated paintings had been real they would be worth in excess of \$300,000.00 today and I would not have given them away. KRG received no financial compensation or tax credit for the donation.

As a result of this extremely regrettable experience I started to recognize the specific characteristics of the images and painting style of my Potter-sourced artworks. After becoming familiar with the different stylistic images, I began to be able to recognize many Potter-sourced paintings simply by the style of the images and design elements, without needing to examine the reverse side. The subject matter and stylistic elements of many of these paintings are highly repetitive, suggesting a kind of mass production. The same or similar images appear in numerous paintings. This makes them readily recognizable. I observed that Norval himself only needed to see front-side images or photographs to be able to declare paintings as imitations with enough certainty to sign formal affidavits.

To the best of my knowledge no one has been able to document the existence of these types of paintings before the mid 1990's. They have not appeared at art auctions or in art galleries prior to the mid 1990's. I did not see any until 1999. They have never been reproduced in any published book or catalogue before that date. Photographs of Norval painting his artworks are available, but none have ever been found of him painting any Potter-sourced image. They were not known to be in any public or government collection before 1999. In recent years however, they have been donated in return for tax credits and begun to appear in some public collections, including the Senate of Canada, the Robert McLaughlin Gallery in Oshawa, and the Art Gallery of Thunder Bay.

The prevalence of these paintings was of deep concern to Morrisseau and he actively sought to remove them from the marketplace. At his request the Norval Morrisseau Heritage Society (NMHS) was established (See Appendix) to compile a database of authentic art and publish a catalogue raisonne of his work. There have been a number of occasions over the past several years when Morrisseau himself disavowed significant numbers of these paintings. Documented

examples of this include several sworn affidavits and letters to art galleries, dealers, and to the auctioneer Randy Potter. Recently, a few of these documents have been published on the internet. Two affidavits directed to Potter were signed in November 2004 and April 2005. To the best of my knowledge, after receiving Norval's letters and affidavits, the recipients, including Randy Potter (Appendix 6), disputed the artist's statements and continued to sell the disavowed paintings. In 2007 paintings later donated by KRG to the NMHS were shown for the first time to Morriseau himself at a meeting of the NMHS. The artist confirmed that he did not paint these paintings and declared that he had never seen them before.

Market penetration of the Potter-sourced paintings is extensive. For ten years and up to 2009, large numbers of them continued to be sold by the same auctioneer. Potter earlier admitted in writing to selling over 1200 of these paintings and continued to sell them afterwards. In 2009 he admitted to selling approximately 2000 "Morriseau" paintings (Appendix 6). They are now endemic and are being re-sold at much higher prices across Canada and internationally by distributors, established art galleries, private dealers, on eBay, and by online galleries.

METHODS USED FOR AUTHENTICATION

Traditional art historical methods were used to authenticate this painting. This included examination of the following considerations:

1. Provenance
2. Syllabic Signature
3. English Signature
4. Handwritten Title
5. Morellian Stylistic Analysis
6. Reverse Side Documentation
7. Scientific Forensic Tests

1. PROVENANCE

Provenance of a work of art means its origin or source, and the documented history of its ownership. The primary purpose of provenance is to confirm the person responsible for the creation of the artwork and the time and place of its creation. Written and verbal records are often used to help establish provenance along with comparative techniques, and expert opinions. Documented evidence of provenance of an artwork can make a considerable difference to its selling price in the marketplace and can establish that it is an original work by the artist. The provenance of any artwork, traceable back to the artist, is an extremely important factor in helping to confirm its authenticity. The method used is to document the known facts about the origin and history of the painting and its owners, and to analyze the credibility of any additional provided information.

2. SYLLABIC SIGNATURE ANALYSIS

Signature analysis involves comparison of the signature on a painting with known indisputable specimen examples of the artist's signature from the same time period to see if they match. Signatures may evolve and change over periods of time longer than a decade. The signature is often one of the easiest things to reproduce on a painting, whereas the artist's style and images are usually much harder to duplicate. In the case of Norval Morrisseau, his basic syllabic signature is easy to duplicate. The forms he used instead of written letters make it possible for almost anyone to produce a reasonable facsimile of his signature which would look acceptable to anyone except an expert.

3. HANDWRITTEN (ENGLISH) SIGNATURE ANALYSIS

On the reverse side of the subject painting there is also a handwritten signature in English letters. Analysis of this signature also requires comparison with known indisputable specimen examples from the same time period to see if they match.

4. HANDWRITTEN TITLE ANALYSIS

There is a handwritten title in uppercase letters on the reverse side of the subject painting. Analysis involves comparison of this title with authentic indisputable specimen examples of letters from the same time period to see if they match and to determine the degree to which they match.

5. MORELLIAN STYLISTIC ANALYSIS

Norval Morriseau demonstrated on several occasions that he could simply look at the front of canvases and know instantly that he did not paint them. The artist did not have to remember each painting. He did not have to examine the reverse side. He simply recognized design elements in each painting that he did not use. Similarly, stylistic analysis may be done by someone who is thoroughly familiar with the artist's work and can recognize whether the work was the sort of thing that the artist could have, or would have painted. This type of analysis is now commonly employed by experts. It was invented by the 19th century Italian art critic Giovanni Morelli, and later developed to a high degree by the famous American Renaissance art authority Bernard Berenson.

The Morelli Method of Stylistic Analysis will be used here to compare pictorial stylistic elements in the painting in question with those in a large number of photographs of indisputably authentic paintings from reliable sources. The sources used are *"The Art of Norval Morriseau"* by Lister Sinclair and Jack Pollock, Methuen 1979, and *"Norval Morriseau - Shaman Artist"* by Greg A. Hill, National Gallery of Canada (NGC) exhibition catalogue, 2006.

6. REVERSE SIDE DOCUMENTATION ANALYSIS

The reverse side of paintings and their frames may display information that is useful to help determine authenticity. This may include writing by the artist, inscriptions, the title of the artwork, dates, labels from galleries and framers, gallery inventory numbers, notes or letters from previous owners, dedications, and more. Documentation such as bills of sale, appraisals, and letters of provenance may also accompany the painting. All such information may or may not be genuine. The method used here is to examine any such documentation and try to verify its authenticity.

7. SCIENTIFIC FORENSIC TESTS

Paintings are not authenticated through scientific tests alone, but a wide variety of tests have traditionally been used to confirm a painting is not authentic if the painting in all other respects has been accepted by experts. Scientific tests have also been used to differentiate original paintings from later copies. Tests can determine the chemical composition and age of paint and the physical composition and age of canvas. Photographic and x-ray techniques, fingerprint analysis, and DNA recovery methods are also used. Many authentic Morriseau paintings have hairs from the artist embedded in the paint. However, in the special case of Norval Morriseau, the artist's thumbprint embedded in a painting does not mean the painting is genuine, but rather usually means it is not authentic (See Appendix 5).

Paintings sometimes have been authenticated through a combination of scientific testing and Morellian stylistic analysis. This is especially useful when the stylistic analysis is not conclusive. The author is aware that at least three separate efforts were undertaken to conduct scientific tests on Norval Morriseau's paintings. Recent promising developments in computerized analysis using high-resolution imaging may soon revolutionize the detection of art forgeries. Scientific tests were not used as evidence for this report. Nevertheless, the method used here is to determine if possible whether additional scientific test results would change the conclusions reached in this report solely by the use of traditional art historical analysis.

ANALYSIS - PROVENANCE

The provenance of an artwork is extremely important in establishing authenticity. The only provenance provided for the subject painting is "collection of James White". Mr. White is known to have purchased numerous 1970's type paintings attributed to Norval Morrisseau from Randy Potter at Khan Country Auctions in Pickering, Ontario. Randy Potter has stated that his consignor purchased these paintings directly from Morrisseau. There is no evidence to back up Randy Potter's claim. The consignor is purported to be a Mr. David Voss of Thunder Bay, Ontario. I have never met nor communicated in any way with David Voss and I am not aware of anyone else who has been able to do so. Recent attempts were made by myself and other researchers to try to contact a person named David Voss in the Thunder Bay area. To the best of my knowledge, no one has been able to do so. Two letters about his purchases and his sources, were published repeatedly and are still being published on an internet website (norvalmorrisseau.blogspot.com). These letters appear to have been written by two different individuals with distinctively different handwriting, but both are signed "David Voss". The portions of these statements relating to provenance are as follows:

"Because I have contacted and collected hundreds of original paintings from collectors and others-", " I have collected native art all my life -- I first became aware of Norval Morrisseau around the early 80's, when I was introduced to him at a home of a friend in Thunder Bay, Ontario. It was shortly after this that he went to Kenora to sell some of his paintings -- and wound up in jail. After that episode I began to collect his paintings. A lot of my friends and work associates lived on and worked in or around native reserves, so this gave me access to large volumes of artwork at little expense.-- by the mid 90's I owned some five hundred pieces by more well-known artists, including Morrisseau. -- I decided to sell off my collection. -- I settled with doing business with a few auction houses in Southern Ontario because I paid little or in some cases no money for the artwork my expectations were not market value but to break even or just better."

These letters do not confirm that the subject painting was purchased directly from Norval Morrisseau. Rather they confirm the opposite. The letters state that David Voss purchased hundreds of the consigned paintings after 1980 from individuals in native reserves and from various collectors, not directly from Norval Morrisseau.

No originating records for the subject painting, such as payment receipts, bills of sale, letters, notes, or correspondence from earlier previous owners, have been provided. David Voss is apparently the consignor of approximately 2000 similar paintings sold through Randy Potter. (See Appendix 6 - Statements by Randy Potter confirming this number of sales). To the best of my knowledge, all the paintings David Voss consigned to Potter auctions have the same characteristics. For example, they all have heavy black painted DB writing on the reverse side. The paintings were apparently collected after 1980 but by far the great majority carry dates in the 1970's. Therefore the previous owners must have possessed the paintings for several years prior to their stated purchase dates after 1980. It seems highly unlikely that purchases on such a massive scale from such diverse sources would not have resulted in some sort of paper record or correspondence for at least some of them. In any event the painting in question has no documentation or history associated with it leading to a credible connection back to the artist.

In summary, The Subject Painting has no credible provenance. The lack of provenance does not establish that the painting is not authentic. It does however fail to confirm its authenticity and raises a serious doubt about its origin.

ANALYSIS OF THE SYLLABIC SIGNATURE

The best way to evaluate the syllabic signature on the front of the subject painting is to compare it with known authentic and indisputable signatures. Since signatures may evolve and change over long periods of time, it is important to compare it with those made in the same time period. A sufficient number of comparable same time-frame signatures are required to ensure that no bias or error arises from using too small a sample. Therefore we need access to a significant number of signatures.

Two completely independent and widely disparate sources exist and are available for comparisons. The first is the large coffee-table book *The Art of Norval Morrisseau*, by Lister Sinclair and Jack Pollock, published in 1979. This book contains 71 large full-colour photographs with all the signatures made in the 1970's. The second source is the NGC catalogue, *Norval Morrisseau - Shaman Artist*, published in 2006 as part of a major retrospective exhibition. This catalogue contains 19 large full-colour photographs of canvases with signatures made in the 1970's. Both publications are impeccable sources. The first was published by Norval's major dealer when most paintings are from the 1970's and before Potter-sourced paintings were available. The second reproduced paintings which have been selected and vetted by the expert curators at the NGC, Ottawa. All nineteen of the 1970's signatures from the NGC catalogue are enlarged and reproduced as specimen signatures on the following pages.

Examination of these 19 specimen signatures clearly demonstrates that they all have the common characteristic of increasing size or thickness in the syllabic characters from the first to the last character. Examination of the 1970's signatures from the Sinclair/Pollock book also confirms this observation. This characteristic occurs regardless of whether the signature is placed vertically or horizontally on the painting. The most prominent enlargement usually comes on the last one or two characters. Another common characteristic of these authentic 1970's signatures is irregularity in the vertical size of the characters, and irregularity in the width or thickness of the characters, all within any one particular signature.

The Sinclair/Pollock book, published in 1979, provides more confirmation of the artist's genuine signature characteristics. This book reproduces 71 large full-colour specimen images of Norval's signatures on canvases signed in the 1970's. Each of these paintings and signatures was examined to determine the relationship between the signature space available and whether or not the last characters increased in size. Unless he was running out of space at the edge of the canvas, or up close to the painted edge of an image, characters seven and eight are always larger. Norval never crossed the edge of an image when applying his signature.

The results have been summarized on the following pages (Table 1). In 9 of these examples the last characters do not increase in size because the artist was obviously running out of room at the end to use larger characters. Eliminating these 9 space-constrained signatures leaves 62 remaining. Of these, 60 or 97% have increasing character size towards the end of each signature.

Analysis of Signatures
from
The Art of Norval Morrisseau,
by Lister Sinclair & Jack Pollock, 1979

Book Page Number	Characters Increasing in Size	Irregular Characters and/or Decreasing	All Characters of Equal Size	Signature Ran Out of Room	Date of the Painting
87	X				1972
88	X				1972
89	X				1972
90	X				1972
91	X			X	1973
92	X				1973
93	X				1973
95	X				1973
96	X				1973
97				X	1973
98	X				1973
99	X				1973
103		X		X	1974
105	X				1974
106				X	1974
107	X				1974
108				X	1974
109	X				1974
110	X				1974
111		X			1974
112	X	X			1974
113	X				1974
114	X				1975
115	X				1975
117	X				1975
118	X				1975
119	X				1975
120				X	1975
121	X				1975
122				X	1975
123		X		X	1975
124		X			1975
125	X				1975
126	X				1975
127	X				1975
128	X				1976

129	X				1976
130	X	X			1976
131	X				1976
132	X				1976
133	X			X	1976
135	X				1976
137	X				1977
138	X				1976
139	X				1977
140	X				1977
140	X				1977
141	X				1977
141	X				1977
141	X				1977
141	X				1977
142	X				1977
143	X				1977
145	X				1977
146	X				1977
147	X				1978
148	X				1978
149	X				1978
151	X				1978
151	X				1978
152			X	X	1978
153	X				1978
155	X				1978
156	X				1978
157	X	X			1978
158	X				1978
159	X				1978
160		X		X	1978
161	X				1978
163	X	X		X	1979
164	X				1978
71	60			12	

Notes:

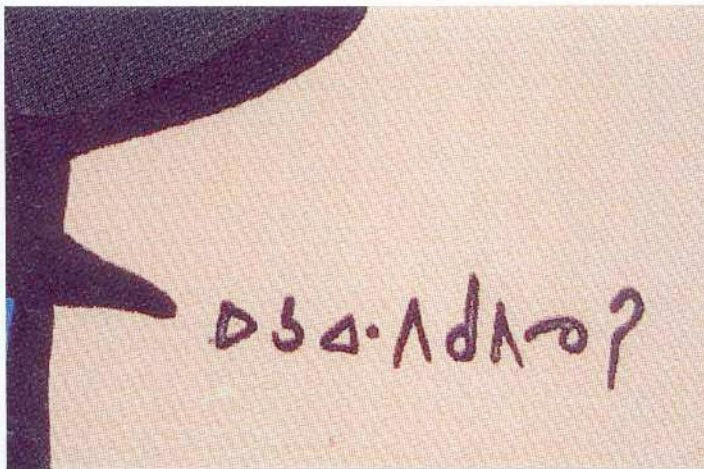
9. There were 9 paintings out of 12 where Norval ran out of room for the signature while applying it, and as a result the last syllabics did not increase in size.
10. Eliminating these 9 from the total 71, results in the proportion of signatures with increasing size in the last syllabics, when the artist did not run out of room, of 60/62 or 97%.

Table 1

NATIONAL GALLERY OF CANADA CATALOGUE, 2006
Norval Morrisseau, Shaman Artist



Water Spirit, 1972
Page 118

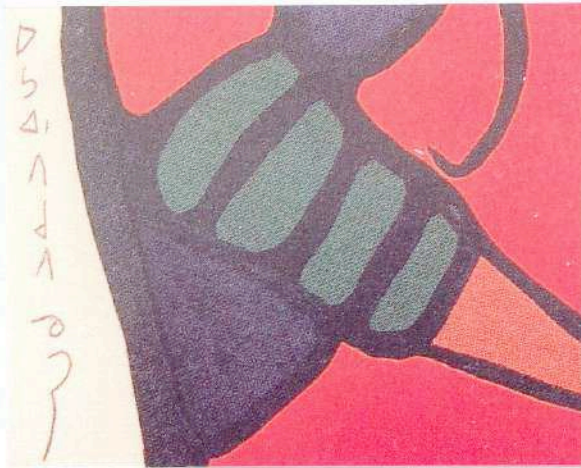


Untitled (Shaman), 1971
Page 128

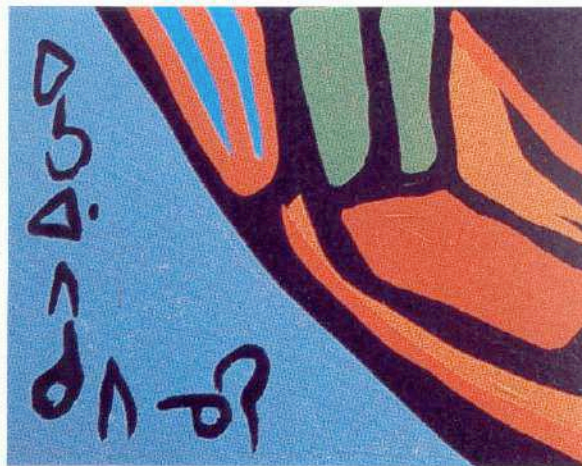
125

Fig. 3

NATIONAL GALLERY OF CANADA CATALOGUE, 2006
Norval Morrisseau, Shaman Artist



Untitled (Child), c. 1971
Page 126



Artist in Union With Mother Earth, 1972
Page 127

Fig. 4

NATIONAL GALLERY OF CANADA CATALOGUE, 2006
Norval Morrisseau, Shaman Artist

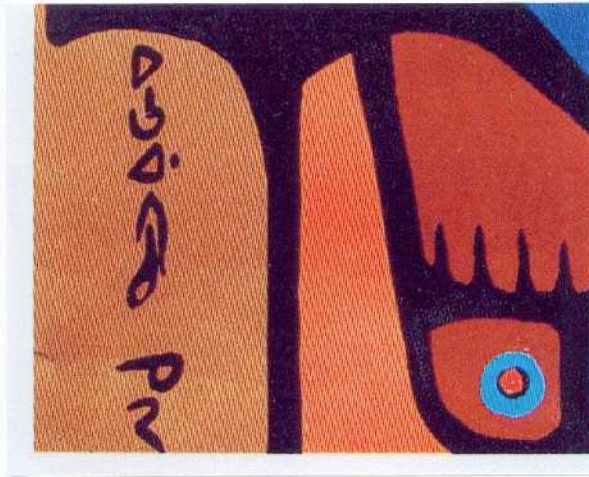


Power Emanating From Ancient Spirit Vision, 1972
Page 128



Shaman Rider, 1972
Page 129

NATIONAL GALLERY OF CANADA CATALOGUE, 2006
Norval Morrisseau, Shaman Artist



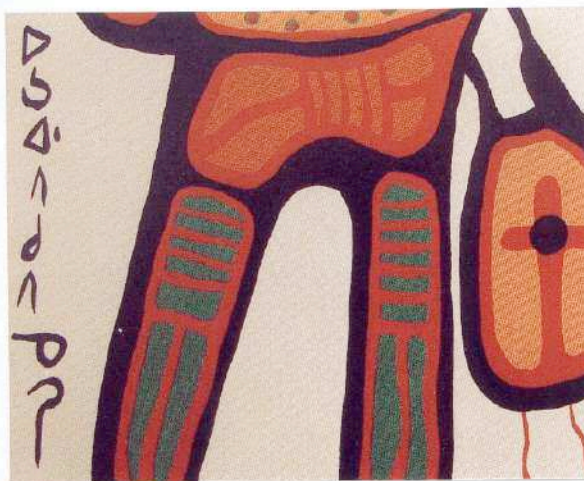
Lily of the Mohawk, 1974
Page 132



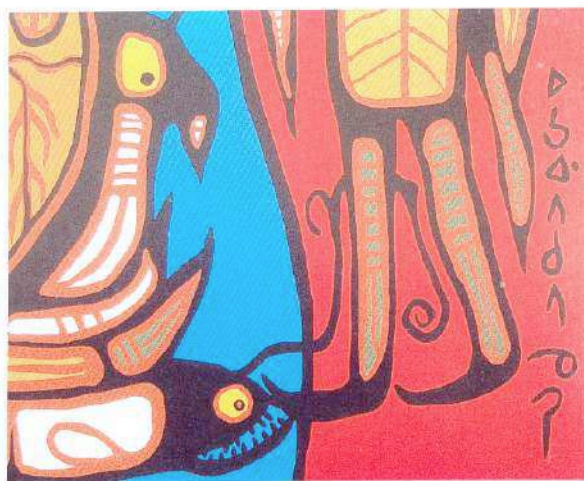
Indian Jesus Christ, 1974
Page 133

Fig. 6

NATIONAL GALLERY OF CANADA CATALOGUE, 2006
Norval Morrisseau, Shaman Artist



The Gift, 1975
Page 134



The Land (Land Rights), 1976
Page 135



Man Changing Into Thunderbird (panel 1), 1977
Page 136



Man Changing Into Thunderbird (panel 2), 1977
Page 137

Fig. 8

NATIONAL GALLERY OF CANADA CATALOGUE, 2006
Norval Morrisseau, Shaman Artist



Man Changing Into Thunderbird (panel 3), 1977
Page 138



Man Changing Into Thunderbird (panel 4), 1977
Page 139

Fig. 9



Man Changing Into Thunderbird (panel 5), 1977
Page 140



Man Changing Into Thunderbird (panel 6), 1977
Page 141

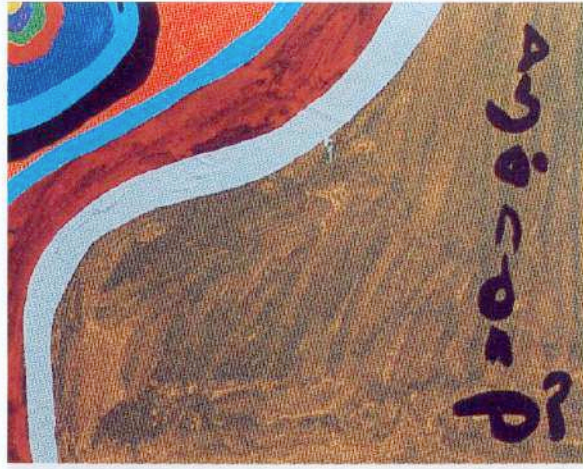
Fig. 10



The Storyteller: The Artist and His Grandfather (1), 1978
Page 143



The Storyteller: The Artist and His Grandfather (2), 1978
Page 143



Thunderbird and Inner Spirit, c.1978
Page 147

Example of A Space-Constrained Signature
Fig. 12

Six typical specimen signatures from the NGC Catalogue are shown in Fig. 13 to allow close comparison to the signature on the subject painting. A prominent characteristic of the Fig.13 signatures is the relatively thin vertical width of characters in proportion to their horizontal size. In the 1970's the artist did not usually use characters that were relatively uniform in width, thickness and height. Many specimen signatures contain highly irregular sized characters and spacing. Sometimes the characters are much smaller or larger, in the middle of the signatures. In any case they are irregular in nature, and almost none are completely uniform from end-to-end.

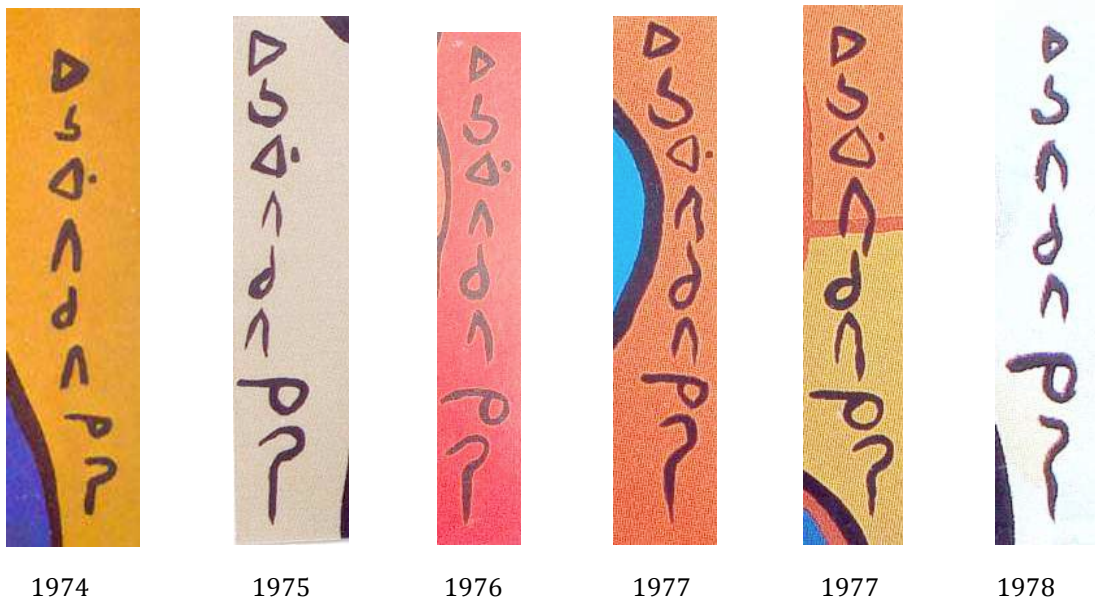


Fig. 13
Specimen Signatures from the NGC catalogue & the Pollock/Sinclair book

The signature on the subject painting (Fig. 1) exhibits syllabic characters that are all approximately the same proportions. The relationship between the vertical size and thickness of each specimen syllabic in Fig.13 compared to the subject painting syllabics is demonstrably different. In addition, the characters all have approximately similar thickness. There is little evidence of the usual irregularity. This is uncharacteristic for the artist, unless he was running out of space at the edge of the canvas, or ending up close to the painted edge of an image.

The subject painting signature, while not consistent with those of the 1970's decade, is more consistent with some of the published signatures made in later decades. Two signatures on canvases from the 1980's and eight from the 1990's are reproduced in the NGC catalogue. Seven (70%) exhibited increasing and/or thicker characters toward the end. Three (30%) had the same size or smaller but still highly irregular characters toward the end.

The most apparent difference from the specimen signatures is in characters seven and eight. The last two characters on the subject painting do not increase in size, but remain approximately the same vertical height. This is uncharacteristic for the artist. (Note that these comments apply only to the signatures of the 1970's. They do not apply to the constrained circular signatures of the 1960's or many of the later 1980's-1990's signatures). On the subject painting, the painter was not running out of space for the signature. In fact there was enough space left for Morriseau to make his characteristically larger last character. There was no reason for Norval to change his usual signature (used 97% of the time) by making the size of the last character smaller than normal.

The increasing character size may be readily observed on authentic 1970's paintings. It may also be easily quantified. A measurement is particularly useful when the last characters are closer in length to the beginning characters. Sometimes the differences are less readily seen by casual observation. A useful signature ratio can be calculated by using a pair of measuring dividers and a ruler to measure the exact maximum overall length of the eighth (last) syllabic in millimeters. Then divide this measurement by the maximum length of the second (similarly shaped) syllabic. The resulting ratio is always greater than 1.1 in 97% of authentic 1970's signatures when the artist was not running out of room and sometimes even when he was. The signature ratio for the specimens in Fig. 13 is between 1.7 and 2.2. The subject painting has a lesser signature ratio and therefore fails the quantitative test as well as the visual comparisons.

In summary, the syllabic signature on the front of the subject painting is consistent with some but not most of the signatures found on genuine Morriseau paintings done in later decades. However it exhibits none of the characteristics found on the 1970's specimen signatures from both sources or on the great majority from the decade of the 1970's. It contains neither the irregularities of character height and width, nor the increasing character size towards the end. This signature is completely inconsistent with Norval Morriseau's authentic documented signatures from the 1970's.

ANALYSIS OF THE HANDWRITTEN (ENGLISH) SIGNATURE

The reverse side of the subject painting contains an alleged full handwritten (English as opposed to syllabic) signature (Fig.2) of Norval Morrisseau, applied by a small brush and paint. The best way to authenticate this signature is to carefully compare it to specimen handwritten signatures obtained from a variety of indisputable authentic sources and written in the same time period as the signature under consideration.

Morrisseau did not sign and title his paintings very often on the reverse side. However some indisputably authentic examples were found and reproduced on the following pages. The titles are always in upper and lower case letters. (For elaboration about this discrepancy with the subject painting, see report section Reverse Side Documentation). Contrary to the signature on the subject painting, the authentic signatures are clearly and cleanly written.

To obtain additional specimen signatures for confirmation and comparison, it was necessary to access signatures on paper documents. Letters were often signed with just his first name, but a number of indisputable full signature examples are readily available.

There are ten authentic signatures handwritten between 1976 and 1978 and published in 1979 in *The Art of Norval Morrisseau*, by Lister Sinclair and Jack Pollock, on reproductions of the artist's Triple K Cooperative prints. A typical example from this source has been chosen and reproduced below as a specimen signature. Another clear signature was obtained from a 1964 letter to The Improvement District of Red Lake asking for funds. Two clear full signatures were obtained from endorsements on the back of cheques from private purchasers of his paintings that Morrisseau signed while living in Cochenour and Red Lake. A 1979 witnessed book dedication signature was also available. All of these signatures are reproduced below as indisputable specimen signatures for comparison purposes. A number of additional signatures were also obtained from the Forensic report which was part of Court File No. CV-07-1776-SR Moniz vs. CTVglobemedia Publishing Inc. and other internet-published Forensic Reports. I also compared other original signatures in my possession.

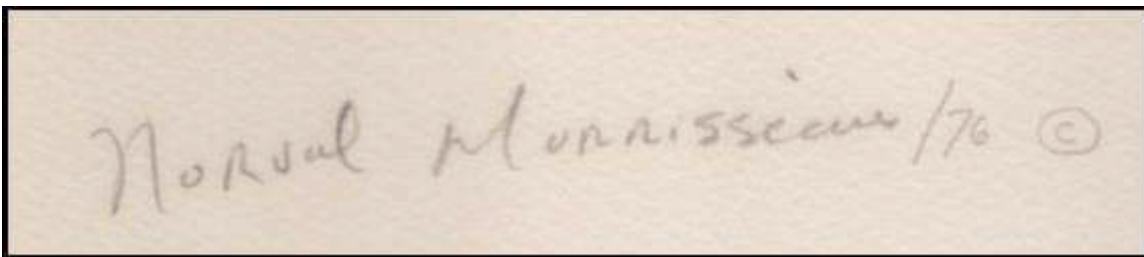


Fig. 14
1976 Signature
The Art of Norval Morrisseau, by Lister Sinclair and Jack Pollock, pg. 168

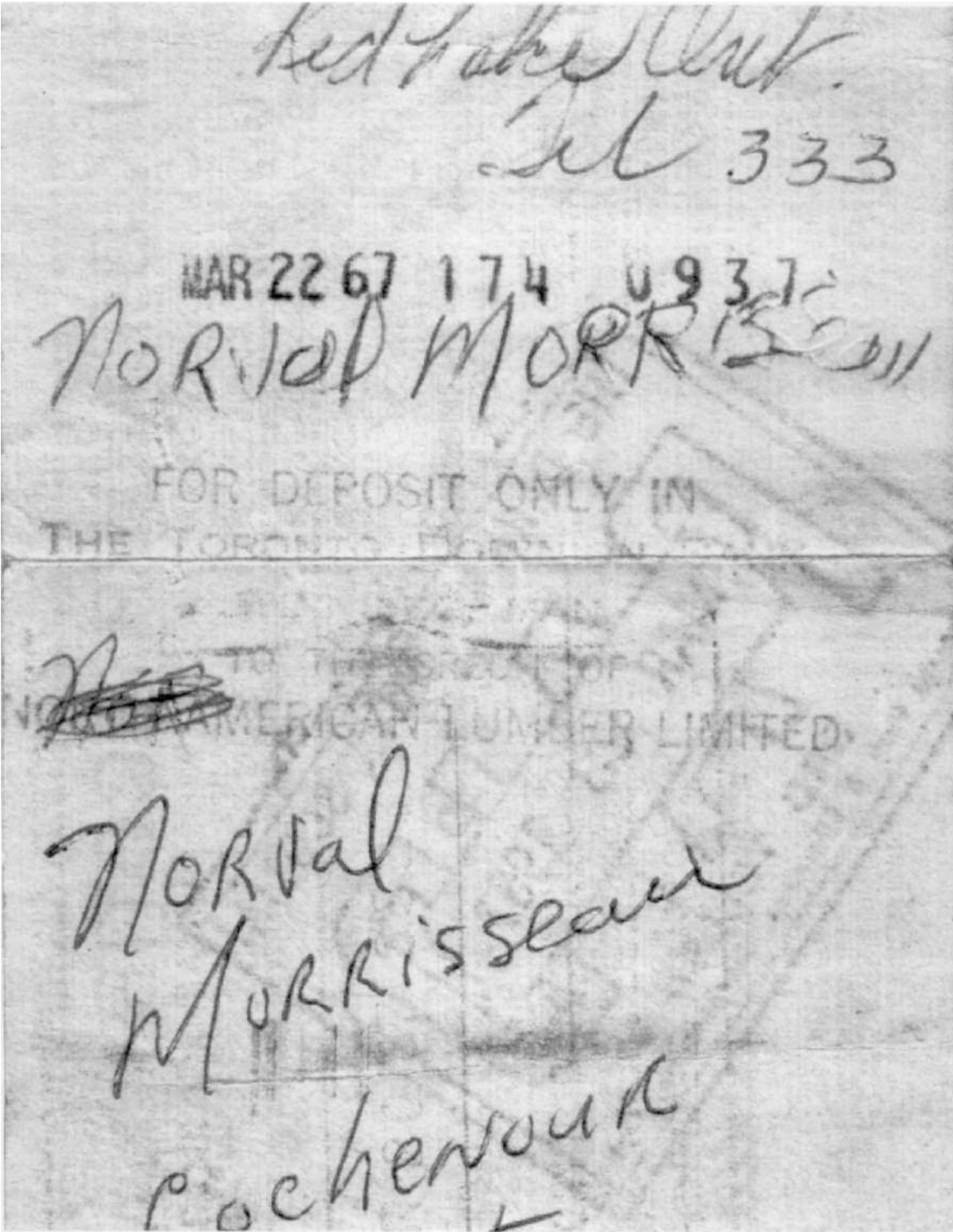
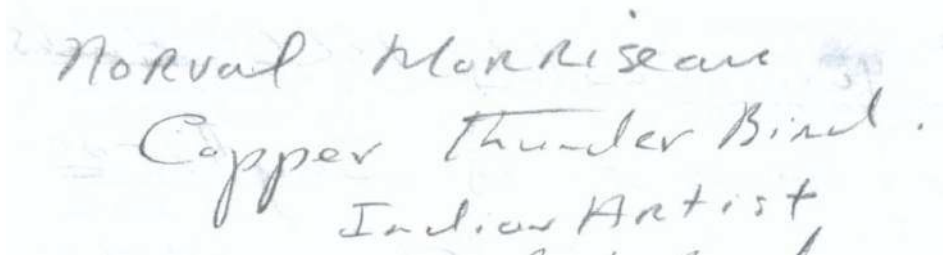
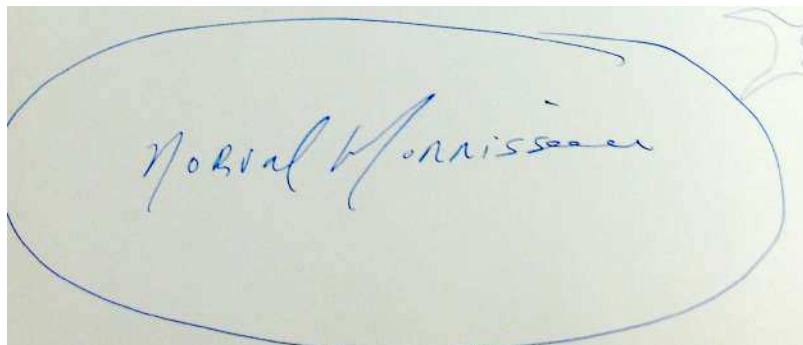


Fig. 15
Cheque Endorsement Signatures

A photograph of a handwritten note in blue ink on a light-colored background. The text is written in a cursive, slanted style. The first line reads "Norval Morrisseau", the second line reads "Copper Thunder Bird", and the third line reads "Indian Artist".

Norval Morrisseau
Copper Thunder Bird.
Indian Artist,

Fig. 16
1964, Letter to Improvement District, Red Lake

A photograph of a handwritten signature in blue ink on a light-colored background. The signature "Norval Morrisseau" is enclosed within a hand-drawn blue oval. The signature is written in a cursive, slanted style, consistent with the signature in Figure 16.

Norval Morrisseau

Fig. 17
Witnessed Book Dedication Signature, 1979

Comparison of his signatures clearly illustrates that the way Morrisseau made the main initials NM in his handwritten signature did not vary significantly from 1964 to 1978. I also compared the later period signatures in my possession. It is interesting to note that the way he made his two main initials was unchanged even in later life. I personally watched him both initial and sign the 1990 exclusive agreement with me (see Appendix 2). His initials and signature were still consistent, with the same dominant characteristics, as those made in the 1970's.

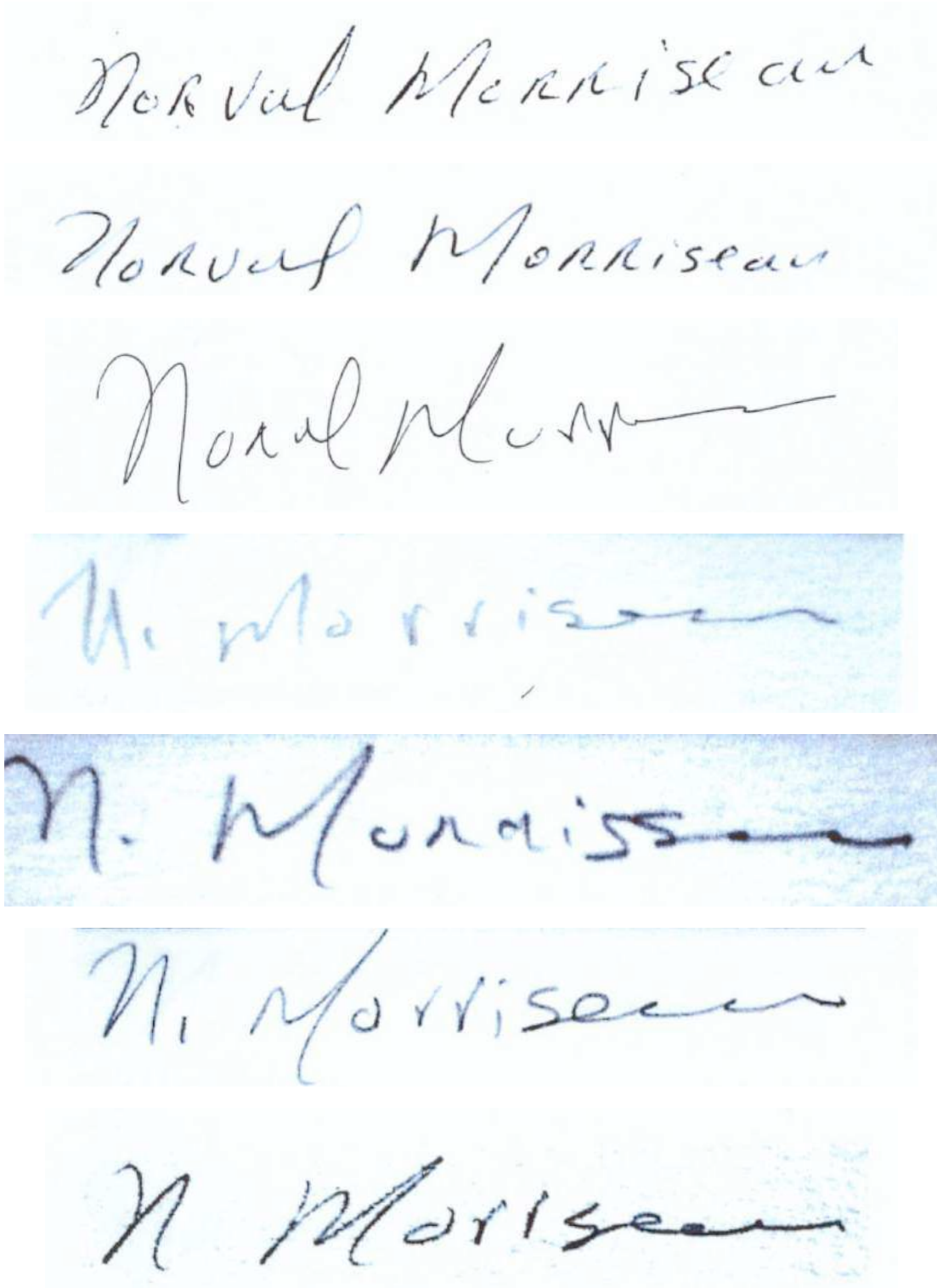


Fig. 18
Authentic Specimen Signatures from the Forensic Reports
Court File No. CV-07-1776-SR Moniz vs. CTVglobemedia
Court File No. SC-07-51428-00, Otavnik vs. Vadas

An observer does not need to be a handwriting expert to immediately notice the distinctive differences between the subject painting signature (Fig. 2) and the specimen signatures.

The first letter *N* in "Norval" on the subject painting is made in a two-stroke design, similar to two sevens not quite joined together, with two separate and distinct strokes.

In all the specimen signatures Morrisseau always made his initial *N* in one continuous fluid motion, not in two separate distinct strokes. The first part (left side) of this initial goes up, then down. Then at the bottom of the downstroke, it turns up again, in one continuous motion, to become the second part (right side) of the letter *N*. (A continuous one-stroke initial is entirely consistent with what we should expect of his signature. In drawing, Morrisseau was well known for doing simple drawings in one continuous line, never lifting his pencil off the paper, similar to Picasso).

The first letter *M* in "Morrisseau" on the subject painting illustrates that it is missing the initial downstroke that normally begins this letter. In all the specimen signatures, in the letter *M*, Morrisseau always made an initial downstroke, which then turned upward in one continuous motion. However, the *M* on the subject painting is easily observed to lack the downstroke. Further it is clear that the initial stroke is an upstroke starting at the bottom, with the heavier paint deposit becoming lighter as the brush moved up.

The letters *NM* are Norval's main initials which he used regularly, very often separately without the rest of the signature. It is implausible and hard to imagine that Morrisseau made these irregularities in his own initials. In my opinion the erroneous two-stroke non-continuous design of the *N* combined with the lack of a downstroke on the *M* make it certain that these initials were not made by Norval Morrisseau. I only compared the two main initials "N" and "M" as the differences are obvious and easily recognized by anyone. As there is convincing evidence of a lack of authenticity in both of these largest and clearest main initials, then it follows that the whole signature is not authentic. There is no need to look further at the other letters.

In conclusion, there is convincing evidence that the handwritten signature on the subject painting is not by Norval Morrisseau's hand.

I remind the reader that all of the above analysis assumes that it is even possible that the artist signed any of his paintings on the reverse side with black-painted DB writing. Elsewhere I have noted that I believe this is highly improbable if not impossible. After I realized I had purchased similar paintings disavowed by Norval, all of my investigations and experience have revealed one irrefutable fact for me. Among the hundreds of paintings I handled and examined from all time periods over the past 23 years, not one with a credible provenance contains such DB writing. There is no evidence that Norval ever used the DB technique. The great majority of his paintings have no handwritten signatures or writing of any kind on the reverse side. On the occasions when he did write on the back it was always handwritten in ballpoint pen, pencil, or on rare occasions in marker pen.

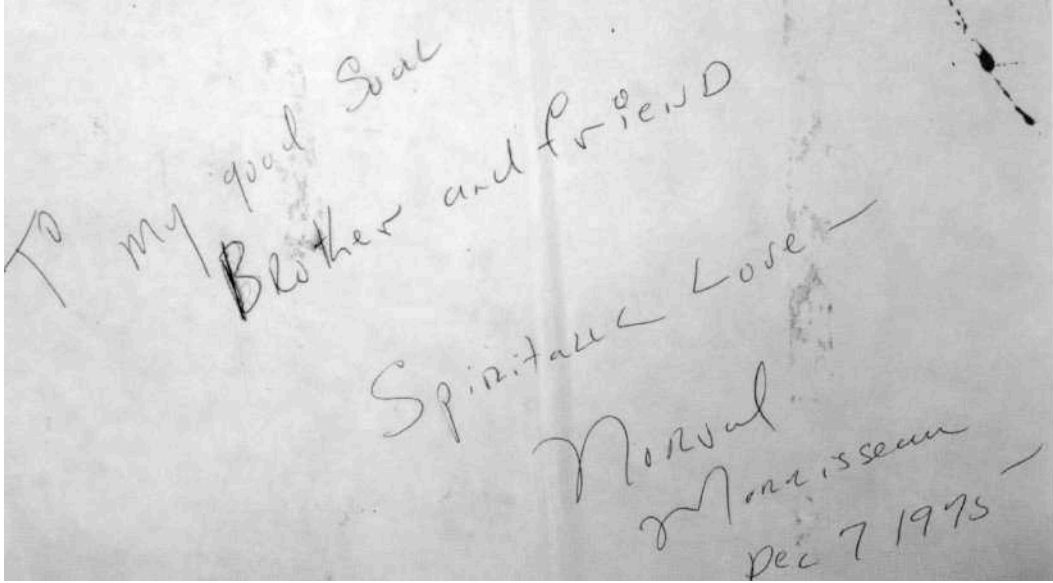


Fig. 19
Reverse side signature and inscription, 1975

ANALYSIS OF THE HANDWRITTEN TITLE

The method used here is to compare the handwritten title on the reverse side with known indisputable specimen examples made in the same time period, to see if they match. Since only uppercase capital letters were used in the subject title, only uppercase specimen letters will be used for comparison. Numerous specimen examples are available. A few are reproduced below.

Specimen examples of upper and lowercase letters for comparison were obtained from inscriptions on the back of paintings in the ROM collection from the estate of Dr. Bernard Cinader, and from one painting donated to the ROM by Morrisseau himself. Dr. Cinader was a noted authority and early collector of Norval Morrisseau's art, and bought his paintings directly from Morrisseau or from his dealer Jack Pollock in the same time period, the early 1970's. A careful comparison of the authentic handwriting on the back of the Cinader paintings with Morrisseau's handwriting on paper documents, showed that there is no difference between the two. An alphabetic list (Fig. 20) provides undisputable authentic handwriting examples taken from inscriptions on the reverse side of the Cinader paintings.

Numerous other handwriting specimens from the back of paintings and from letters are readily available. In order to verify Morrisseau's repeated use of a specific style of lettering, more specimen examples were required than the ones available from the Cinader source. These additional specimens were obtained from reverse side inscriptions and handwritten letters in the author's file. Several specimen examples have been reproduced herein with the same uppercase letters used in the title on the subject painting.

COMPARISON OF LETTERS USED IN THE SUBJECT TITLE WITH
REVERSE SIDE WRITING ON THE CINADER PAINTINGS

Specimen letters

A

a attached

B

By benefit being

C

attached could

D

d and Desire's Devoured

E

Every day Experiences

F

of faith from

G

g given Great

H

Human History-harm have his

I

Indian Inside is in

J

Jibwa

K

Keeper Like

L

Life all

M

Mother must Same Mother

N

in ent Natural Supernatural

O

lot lot lot of oral of ojbwa

P

pepe spr pleasures passion

Q

R

re re re re re Represents

S

se sets springs Sences

T

th the the ts the Thunder bird.

U

Hum thunder Bird Resource's

V

However Every ive

W

World World who well

X

Experiences

Y

any Reality

Z

Symbolize's.

Fig. 20

The Great Serpent Mother
— Mother of all Serpents in the World —

Gibwa Oral History
any man who is attached
to the Sences and Pleasures of the World
is like a man who is being Devoured
By Serpents which Represents his passion
and Desire's
N. M. [Signature]

Fig. 21
Two Reverse Side Inscriptions
Dr. Cinader Collection, ROM

The fish Sacred Trout
was the most Respected
of all fish The Trout
gave the Indian life in
Abundance and According to
Ojibwa Indian Mythology it
represented his Soul
Carrier. The trout
carried the Indian
Soul through Transmigration
into another
Existence in the

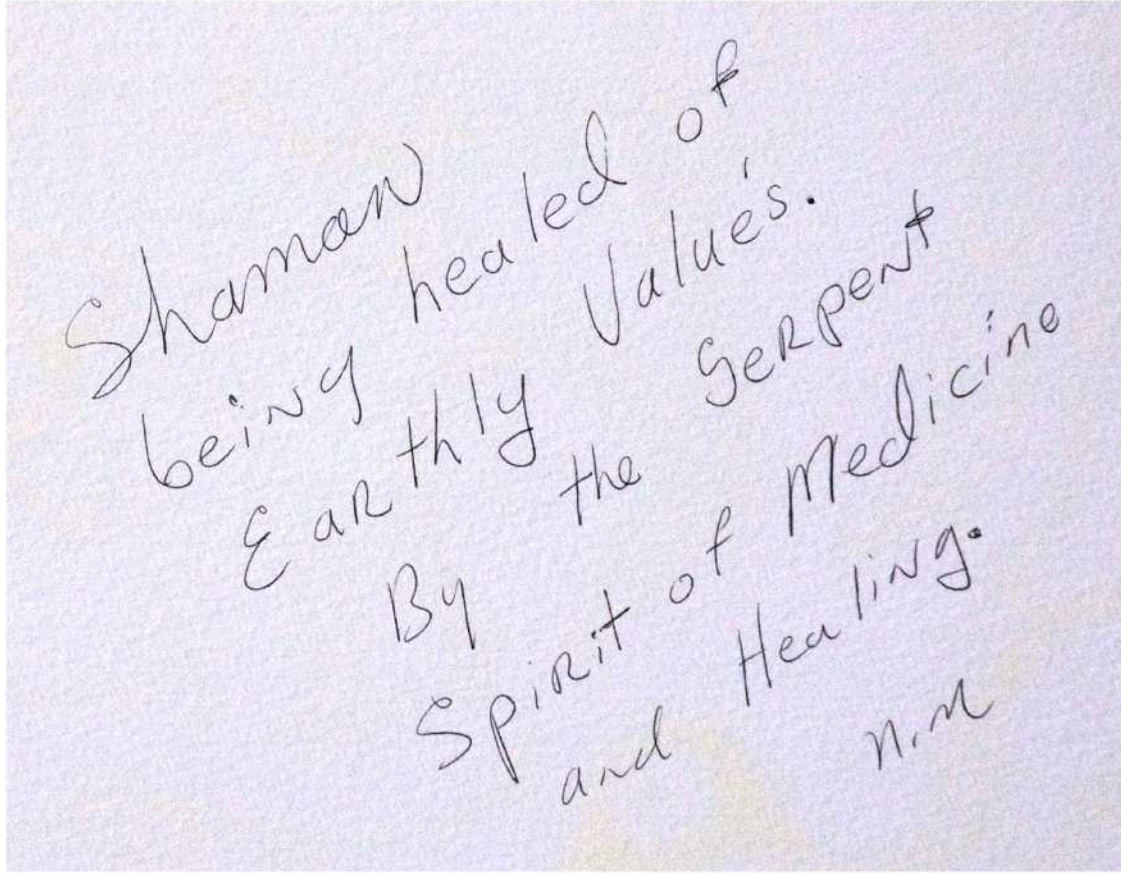
Fig. 22
Reverse Side Inscription
Acquired Directly from the Artist, 1968
Private Collector, Fort Francis

Supernatural. ~~of~~
~~Dead~~ ~~of~~
or Reincarnation
all this belief
worked for the better
ment of the Indian
food in Reality -
Faith in the Supernatural
Norel Plummer

Fig. 23
Reverse Side Inscription
Acquired Directly from the Artist, 1968
Private Collector, Fort Francis

①
Indian
The Keeper
of his Natural
Resources

Fig. 24
Reverse Side Inscription
Dr. Cinader Collection, ROM



Shaman Being Healed Of Earthly Values

Fig. 25
Reverse Side Inscription

~~Duck on~~

Mermaid. The Anchient
Half Man and Superwater
being who is the Ruler
of all the waters of
the World. in his
Protection and Power
to the Individuall.
both by water and
Land. was a Sought
After Protector. of
the Ojibwa Indian

Fig. 26
Reverse Side Inscription

Shaman.
for it is said
that the Mermaid
owns the Element of
water in itself
Very powerful
to be Channel
to that Power etc
Name of
Museum

Fig. 27
Reverse Side Inscription

The differences between the specimen letters and those in the subject title are obvious, even to an untrained eye. The most obvious difference is that all the letters in the subject painting's title are in upper case letters. Morrisseau was very consistent in his practice of using a mixture of upper and lower case letters. Numerous examples exist to document this. His verifiable handwriting changed very little over several decades. To the best of my knowledge no example of all uppercase letters has ever been seen on a verifiable letter or handwritten by Morrisseau on the back of any authentic painting.

Another inconsistency is that all the uppercase letters on the subject painting are straight and simple without any flourish in style. Nearly all of Morrisseau's uppercase letters were more ornamental, with flowing curves in the lines.

A good example is the use of the letter "E". The specimen "E"s begin with a flourish at the top end and continue in a rounded fashion, coming in together at the center toward the right, and then finishing again in a rounded fashion. This is in contrast to the three letters "E" in the subject title which mostly use straight lines in their construction.

The letter "I" is another example of the differences. In the specimen letters the letter "I" has a strong horizontal cross stroke both on top and on the bottom of the vertical stroke. In the subject title the cross strokes are missing on the letter "I".

Other letters also show distinctive differences in style. These include the letters "W", "F", "H" and "L". The only letter where distinctive differences were not readily apparent was the letter "O".

This analysis has not even taken into account the variations in line pressure and strength and directions of stroke that are also a part of traditional handwriting analysis. This was not necessary because 7 or 87% of the 8 different letters used in the subject title exhibit obvious inconsistencies in their style of construction. This is compelling evidence that the subject title was not written by the hand of Norval Morrisseau. More analysis is not required.

In summary, the following problem areas have been identified.

1. The title was written in DB paint. Morrisseau did not write his titles in DB paint.
2. Only uppercase letters were used. Morrisseau always used a combination of upper and lowercase letters in his titles. No other documented all-uppercase reverse-side writings by Morrisseau are known.
3. Almost all (87%) of the 8 different uppercase letters used in the title are inconsistent in style and construction compared to authentic specimen uppercase letters.

In conclusion, the high number of inconsistencies of style and construction of the handwritten letters in the title on the reverse side of the subject painting support the conclusion that the subject title was not written by Norval Morrisseau.

FORENSIC REPORT CRITIQUE

The author has seen several "Forensic Reports" issued by Document Examination Consultants, Ottawa, concerning other alleged 1970's Norval Morrisseau paintings. These reports have been published on the internet, in an online blog (norvalmorrisseau.blogspot.com), and provided as alleged proof of authenticity of 1970's-type paintings in prior litigation. (Court file No. SC-07-51428-00, Otavnik vs Vadas & Court file No. CV-07-1776-SR, Moniz vs CTVglobemedia Publishing Inc. et al). All of these Forensic Reports have used the same or almost identical examples of specimen authentic handwritten signatures and compared them with those on the reverse side of the subject paintings. All of them drew the same conclusion that the paintings were authentic, using the same low mid-range level of certainty on the opinion scale.

The author believes that the defendant may submit to the court another such Forensic Report, using the same evidence and drawing the same conclusions about the subject painting. In anticipation of this I have included the following review and critique which is a duplicate of that in my Expert Report given by Peter M. Jacobsen, solicitor for the defendants, to the Ontario Superior Court of Justice judge in Moniz vs CTVglobemedia Publishing Inc. et al, court file No. CV-07-1776-SR, at the March 10, 2009 pre-trial conference. Only the title of the painting has been changed. The following paragraphs are only applicable in the event that the plaintiff does submit a Forensic Report with similar evidence and conclusions for the subject painting.

"REVIEW AND CRITIQUE OF THE FORENSIC REPORT"

I have reviewed the Forensic Report #1951/08 dated 5 November 2008, by Document Examination Consultants Inc.

I accept that the specimen handwritten signatures provided to the examiner are true signatures of the artist. I verified this by comparing the provided specimens to ten additional handwritten signatures written between 1976 and 1978 on Triple K Cooperative prints and reproduced on pages 167 to 176 of the Pollock - Sinclair book. I also compared original early signatures in my possession.

In his report the examiner provided 5 gradations of opinion scale, and chose only the mid-range level of certainty for his opinion. He did not conclude that the signatures were authentic with the highest level of confidence or even the next lowest level of confidence. He noted several serious reservations in his conclusion.

He compared the small specimen pen and pencil signatures to the DB writing. Since the DB writing is done with a brush and paint, and is much larger and faded, this is not a proper comparison.

The examiner agreed. He states that "these samples [the specimen signatures] are not entirely satisfactory from a comparison standpoint." He notes that some structural characteristics are missing, and subtle writing features "may be absent." He notes that faded portions "have not been adequately inked to reveal their subtle structural characteristics." He also notes that "given the width of the brush and texture of the canvas, subtle writing features --- may be absent."

The examiner notes that "all [the signatures] are fluently written and show graduations in pressure." This may be true but it also would be expected from someone who has signed in excess of 1200 paintings, whether it is the artist or an experienced forger.

The examiner notes that the reverse side painted titles and dates in uppercase printed form could not be examined because he had no comparable specimen material. He draws no conclusion about the authenticity of these titles and dates.

He also illustrates in all three paintings three to five "features not fully accounted for". In my opinion, this statement greatly understates the importance of these incorrect features.

The first letter N in Norval on all three paintings is made in a two-stroke design. In all the specimen signatures, including the additional ones I referenced in the Pollock book, Norval always made his initial N in one continuous fluid motion, not in two separate distinct strokes! (A one-stroke initial is entirely consistent with what we should expect of his signature. In drawing, Norval was well-known for doing simple drawings in one continuous line, never lifting his pencil off the paper, similar to Picasso).

The examiner also illustrates that the first letter M is missing the initial downstroke that normally begins this letter. In all the specimen signatures, including the additional ones I referenced in the Pollock book, Norval made an initial downstroke. The examiner makes this observation only for the second and third painting and not for the subject painting. However, the M on the subject painting is easily observed to also lack the downstroke, with the initial upstroke partially running out of paint, exactly as it does on the third painting. Clearly, there is no downstroke on all three paintings.

Fig. 21 reproduces the signature as written on the back of the subject painting, with the two-stroke configuration on the N and with the missing downstroke on the M. Fig. 20 illustrates examples of authentic signatures from the Forensic Report, clearly demonstrating the difference.

The examiner also notes irregularities in the last few letters of 'Morriseau'. In my opinion these are important, but not nearly so, in comparison to the errors in the initials N and M. The letters NM are Norval's main initials which he used regularly. It is implausible and hard to imagine the artist made these irregularities in his own initials. In my opinion the erroneous two-stroke design of the N combined with the lack of a downstroke on the M make it certain that these signatures were not done by Norval Morriseau. This would be true even if these mistakes were made on only one exceptional example. However this same mistake has been

consistently made on all three paintings.

In conclusion, there is nothing in the Forensic Report that authenticates the artist's signature on the subject painting. On the contrary, the report does contain convincing evidence that the signature is not by Norval Morrisseau's hand.

Excerpt from the 8 March 2009 Expert Report
by
Donald C. Robinson
Moniz vs. CTVglobemedia Publishing Inc. et al
Court File No. CV-07-1776-SR

Again I remind the reader that all of the above analysis assumes that it is even possible that the artist signed, titled and dated any of his paintings on the reverse side with heavy brushed black-painted DB writing. Elsewhere I have noted that I believe this is highly improbable if not impossible. After I realized I had purchased similar paintings disavowed by Norval, all of my investigations and experience have revealed one irrefutable fact for me. Among the hundreds of paintings I handled and examined from all time periods over the past 23 years, not one with a credible provenance contains heavy black DB painted writing. There is no evidence that Norval ever used the DB technique. The great majority of his paintings have no handwritten signatures or writing of any kind on the reverse side. On the occasions when he did write on the back it was always handwritten only in ballpoint pen, pencil, or marker-pen. When he did title a painting on the reverse side, it was always in upper and lower case letters, not all capitals.

The examiner indicated he could not evaluate the authenticity of the handwritten printed title on the subject painting due to a lack of comparable known reference examples. He suggested that these be provided. It will never be possible to make such a comparison since Morrisseau did not title his paintings in uppercase letters in DB paint.

MORELLIAN STYLISTIC ANALYSIS

This analysis involves examining specific details and images or portions of images to determine whether the artist could have, or would have, painted them in a specific time period. This involves isolating small details such as the shape of an eye or its pupil, and comparing this with the same details in indisputably authentic document specimen images from reliable sources such as the National Gallery catalogue and the Pollock/Sinclair book. Another important area of interest is the composition of the face of any human-like figure in the painting. In particular, the shape, size and thickness of the lips, the placement of the nose in relation to the rest of the face, the relative location of the eye compared to the location of the nose, and the proportionate distance of the bottom of the nose from the bottom of the chin. Another area for investigation involves the shape and position on the head of hats, turbans and headdresses. Images often used in Morriseau paintings, such as birds and their inherent details, may readily be compared to the specimen images. The inclusion of any objects and shapes not consistent with indisputable examples specimen examples from the same time period is another major area for comparison. The paint colours may also be compared along with the overall composition of the painting.

The following areas on the subject painting merited comparison to similar indisputable authentic images, and all were found to be inconsistent with them.

1. Shape of the bird image
2. Type and composition of the headdress on the figure
3. Size and shape of the eye on the figures
4. Facial composition of the lips, nose and eye
5. Construction of the circle image
6. The small corner circles
7. Colour palette

1. THE BIRD IMAGES

The bird image on the subject painting is of a type distinctively different from the bird forms found on authentic documented 1970's paintings. It might be called 'teardrop' shaped with the form tapering easily in a gentle curve. As can be seen in Fig. 28 Norval's 1970's birds are more atypical, more animated, more varied, and vital with individual characteristics. Morriseau's bird heads were generally not bulged out around the eyes. They are not 'teardrop' shaped. The beaks were more curved, and the heads more separate and distinct from the bodies. In the subject painting the reddish oval-shaped image located inside the beaks is close to the eyes. In all of the fourteen authentic 1970's illustrations with bird images illustrated in the NGC catalogue these same shapes are different and located farther away from the eyes, toward the end of the beaks. Sometimes they are totally non-existent, or the beak is made in an entirely different design. In addition, the pupils of the eyes are all much smaller and more distinctive. Norval Morriseau did not paint birds in the manner seen in the subject painting in 1979 or anytime in the 1970's, or thereafter.



Fig. 28
Detail from *Man Changing Into Thunderbird*, 1977
Panel 2, Page 137, NGC catalogue.

2. THE HEADDRESS

Morrisseau often painted headdresses on his figures in the 1970's, but these were positioned like hats, of various designs, that sat in a balanced fashion on top of a figure's head. The headdress in the subject painting does not sit on top. Rather, it wraps around the head, in a kind of turban shape, composed of block-like elements. I reviewed the headdresses in sixty 1970's paintings in the Sinclair/Pollock book and nineteen additional 1970's paintings in the NGC catalogue. I found no examples comparable to the subject painting. Norval did not paint headdress images like this in the 1970's. Figure 29 illustrates a typical 1970's Morrisseau style headdress, balanced in position like a hat on top of the head. Morrisseau did not paint headdresses in 1979 or anytime in the 1970's in the fashion depicted in the subject painting.



Fig. 29
Detail from Man Changing Into Thunderbird, 1977
Panel 3, page 138, NGC catalogue

3. THE EYE

The size and shape of the eye on the figure on the subject painting is different from those painted by Norval in the 1970's. Morrisseau's 1970's human figure eyes were always more elongated, with smaller pupils. The eye in the subject painting is circular in shape. In addition, the pupil is much too large. Figures 29 and 30 illustrate typical examples of human figure eyes painted in 1970's. See figure 31 for more examples. There are no large round eyes like this on human figures in any of the 79 works painted in the 1970's and illustrated in the NGC catalogue and the Sinclair/Pollock book. Norval Morrisseau did not paint human figure eyes like the one in the subject painting anytime in the 1970's.

Note:

Morrisseau did not use circular eyes in the 1970's time period, but he did sometimes paint circular human figure eyes in the early 1990's. Examples of these can be seen in KRG's 1994 illustrated exhibition catalogue of paintings received directly from the artist.



Fig. 30
Detail from *Ojibway Family*, 1977
Page 146, Sinclair/Pollock, *The Art of Norval Morrisseau*

4. THE FACIAL COMPOSITION

The facial composition in the subject painting is out of proportion. The abnormalities are clearly visible in comparison to the authentic faces in Fig. 30 and 31. The upper part of the face is severely compressed compared to indisputable authentic faces done in the 1970's. The eye is closer than normal to the nose, too close to the bottom of the nose, and takes up too much space on the upper part of the face. In addition, the distance from the bottom of the nose to the bottom of the chin, is extraordinarily long in proportion. The extended part of the bottom lip is abnormally thin compared to almost all authentic 1970's images. Morrisseau generally gave his lip images from the 1970's more body. In addition, the space between the upper lip and the bottom lip is much greater than normal. A careful comparison of all sixty 1970's paintings in the Sinclair/Pollock book and nineteen additional 1970's paintings in the NGC catalogue confirmed all of these observations. So many uncharacteristic abnormalities occurring simultaneously on the same part of this painting is further definitive evidence that this is not the work of Norval Morrisseau.



1974 - p.106



1975 - p.123



1974 - p.105



1975 - p.117



1974 - p.113

Fig. 31

Comparison of Typical Face Constructions From the Same Time Period
in Sinclair/Pollock, *The Art of Norval Morrisseau*

5. CONSTRUCTION OF THE CIRCLE IMAGE

Norval did sometimes paint large circular images during the 1970's, but the subject painting style is inconsistent with undisputable known images. In most comparable authentic circle images the inner and outer lines were closer together, and did not include enclosed shapes as used in the subject painting. Morrisseau's large circular images were much simpler with mostly one solid colour between the lines. There are no examples similar to the subject painting in any of the seventy-nine 1970's images illustrated in the NGC catalogue and the Sinclair/Pollock book. Examples of authentic paintings using wider distances between the inner and outer rings do exist but they are rare. However in these cases the main human images are integrated into the rings and extend right out to the outer ring. The subject painting is inconsistent with even these rare examples in that the figures do not extend to the outer ring. Even in the rare examples with wider rings, the rings do not enclose a number of oval shapes such as these (painted green) in the subject painting. Norval Morrisseau did not paint large circular images like the one in the subject painting anytime in the 1970's.

6. THE SMALL CORNER CIRCLES

Norval Morrisseau sometimes used divided circles, representing types of dualities, in the corners of paintings, as elements to complete a composition. In very rare cases in the 1970's, Norval used very small circles with a dot in the center. However unlike those in the subject painting, in these rare cases they were normally connected to each other with lines (sometimes called powerlines) or they were an integral part of the subject and not corner compositional elements. The small corner circles with dots in them are stylistically inconsistent with undisputable authentic paintings from the 1970's.

7. COLOUR PALETTE

Norval Morrisseau was a master of colour and design. Even if he had not painted woodland type images, and used only colour in abstract designs, still he would have been a master painter. He knew what colours to combine for the bold, crisp effect evident in his authentic paintings. Different colour combinations work together to create an overall effect. The colour combination used in the subject painting is not the right colour palette for the artist. The colours are more natural and earthy. The overall effect of colours such as these that are too close in palette is a muddled look compared to the brighter, more sharply distinct colours of authentic works from the 1970's. Examples of these are reproduced in the nineteen photographs in Figures 3 to 12 from the NGC catalogue.

SUMMARY

The subject painting does not meet the Morelli test. There are many different design elements in it that are inconsistent with and stylistically different from indisputably authentic Norval Morrisseau paintings from the 1970's. These inconsistencies are not as small as those that are often examined in traditional Morellian type stylistic analysis, as in the case of paintings that are much more exactly copied. The differences here are large and quite obvious.

It is possible to argue that any one stylistic inconsistency is just an anomaly from that which is normal or expected. However, the existence of a large number of inconsistencies both in shapes as well as palette, makes it virtually impossible for this painting to have been created by Morrisseau.

The subject painting is not a copy of a known Morrisseau artwork. Rather, it is an interpretation of a work Norval might have painted. Morrisseau would not have painted these image elements this way in the 1970's. Any one of these inconsistencies by itself would be enough to cast suspicion on the painting. Together, the large number of major inconsistencies found in this stylistic analysis clearly demonstrate, beyond any doubt, from a stylistic point of view alone, that the subject painting was not painted by Norval Morrisseau's hand.

REVERSE SIDE DOCUMENTATION ANALYSIS

The reverse side of paintings and their frames often display information that is useful to help determine authenticity. This may include writing or notations by a current or previous owner, or by an artist's agent. Labels from a gallery, a framer or an auction house are often attached to a frame or stretcher. Gallery inventory numbers are very often found written on the back of the frame or canvas. Notes, correspondence, purchase agreements, certificates of authenticity, or even old newspaper clippings are sometimes attached or accompany paintings. Occasionally paintings are dedicated to the recipient by means of handwriting on the canvas or frame. All such information may be genuine, or it may be fabricated.

Close examination of the subject painting revealed that none of the above documentation exists on this canvas. It has a handwritten signature, and handwritten title and date in DB paint on the reverse side of the canvas, alleged to be by Norval Morrisseau. There are no other markings on it. The painting has no stretcher or frame. Creases and folds in the canvas reveal that it was previously stretched, or had been made to look as if it had been stretched.

Sometimes an artist will sign or initial, title and date a painting by writing on the back of the canvas or frame. Morrisseau rarely wrote on the back of his paintings. This was not his usual practice. By far the great majority of his paintings have no writing or signature on the back side. Sometimes, however, he did write on the back. When he did so it was always in ballpoint pen, pencil, or ink marker, and never in DB paint.

The previous handwritten signature analysis comparing the main initials NM with indisputable authentic signatures has clearly demonstrated that this signature is not by the hand of Norval Morrisseau. Even if the originator had succeeded in duplicating Morrisseau's signature, it still could not be considered authentic because Morrisseau never used DB paint techniques on the back of his paintings. There are no known examples with documented provenance. Despite repeated attempts over the last seven years, no one has been able to document, among thousands of examples, one single painting with provenance with a DB painted signature or title on the reverse side. Even an authentic signature in pen, pencil, or marker pen would be considered relatively rare.

Similarly, the printed title and the date in DB paint is also something Morrisseau would not have done. In addition however, the title is done in a manner totally inconsistent with Morrisseau's method of writing on the back of paintings in those cases when he did write on the reverse side. Figures 21 to 27 depict several authentic instances of this. Morrisseau always used upper and lower case letters. He also wrote in a consistent manner differentiating which specific letters of the alphabet he would use in upper case and which ones he would use in lower case. Most importantly, he did not use all upper case letters. He was consistent in this practice throughout his adult life over the four and one-half decades he painted.

There are three independent major inconsistencies occurring concurrently on the subject painting. There is an incorrect signature, an incorrect written title, and both are in a medium (DB paint) never used by Morrisseau. There is no reasonable probability that Norval Morrisseau would have created all of these concurrent inconsistencies himself.

In conclusion, the complete absence of any form of documentation on the reverse side of the subject painting or accompanying it provides no assistance in establishing the painting's authenticity. However the presence of multiple simultaneous inconsistencies provides strong evidence that none of the markings on the reverse side are by the hand of Norval Morrisseau.

SCIENTIFIC TESTS

Scientific tests are often used to confirm that paintings are not authentic and thus exclude them from inclusion in a *catalogue raisonné*. Paintings are not authenticated through scientific tests alone, but a wide variety of tests have traditionally been used on questionable paintings, if the painting in all other respects has been accepted by experts. Scientific tests have also been used to differentiate original paintings from later copies. Tests can determine the chemical composition and age of paint and the physical composition and age of canvas. Photographic and x-ray techniques, fingerprint analysis, and DNA recovery methods are also used. Many authentic Morrisseau paintings have hairs from the artist embedded in the paint. However, in the special case of Norval Morrisseau, the artist's thumbprint embedded in a painting does not mean the painting is genuine, but rather usually means it is not authentic. (See Appendix 5). Paintings sometimes have been authenticated through a combination of scientific testing and Morellian stylistic analysis. This is especially useful when the stylistic analysis is not conclusive. This is not the case with the subject painting. The stylistic analysis was conclusive and scientific testing is not required for this painting.

The author is aware of three independent efforts that are currently underway to conduct scientific tests on Norval Morrisseau's paintings.

One basic test, the technical analysis of paint, may determine that certain components of paint were not available to the artist at the date of a painting. Occasionally Norval asked me to purchase canvas and paint for him, and I did. Norval preferred to use Liquitex acrylic paint. At times he also experimented with mixing paints of different quality. Commercially available Liquitex water-based acrylic paint using basic colours was invented and first available in 1955. The first high viscosity acrylics with basic colours were available in 1963. The first pre-mixed acrylics with wide ranging colours were marketed by Liquitex in 1971. Some colours were not available until 1980 and further refinements took place in 1984 and 1985. Therefore it is entirely possible that some paints used on Potter-sourced Morrisseau paintings may not have been available to the artist in the 1960's and 1970's.

Recent promising developments in the analysis of high resolution images may soon be available to support results obtained using traditional art historical methods to detect art forgeries. Following earlier success with the artworks of Van Gogh, the computerized analysis of high resolution images of brushstrokes has been undertaken on the artworks of Norval Morrisseau. Dr. James W. Wang, of Penn State University used curves resulting from brushstrokes to compare the steadiness of the brushstrokes from 19 known authentic Morrisseau paintings to 16 Potter-sourced paintings. The 16 Potter-sourced paintings were the ones that were disavowed by Norval Morrisseau at an NMHS meeting and donated by KRG to the NMHS. Initial results from Dr. Wang concluded that the authentic Morrisseau paintings had a consistently higher level of steadiness of the brushstrokes. Dr. Wang plotted on charts the data from all 25 paintings used in the study. His charts clearly demonstrate a highly distinctive and consistent difference between the two groups of paintings. He concluded that the smooth steady flow of the lines and paint showed less hesitancy and more steadiness from Morrisseau than from the fabricator of the Potter-sourced paintings. Prof. Wang's research provided data which indicates there is a

statistically significant difference between the set of paintings known to be authentic and the Potter-sourced paintings that Morrissette himself told the NMHS were counterfeit. This scientific data corroborates the statements made by Norval Morrissette to the NMHS about this particular group of paintings. A formal scientific paper has been prepared and has been presented to leading world scientists at the 2009 IEEE International Conference on Image Processing in November. Dr. Wang's paper is also available online.

For the near future these developments will probably remain in the domain of scientific investigations that are expensive and not going to be routinely available for use in authentication disputes or investigations. In addition, scientific methods using groups of paintings may not necessarily be used to authenticate individual works of art with any degree of certainty. They may be useful to collaborate authentications but traditional art historical methods will continue to be the mainstay.

CONCLUSIONS

1. The claim that the subject painting is an authentic work by Norval Morrisseau, is not supported by a large amount of diverse evidence.
2. I used traditional art historical methods to examine the authenticity of this painting, including investigation of its provenance, signature analysis, Morellian stylistic analysis, and reverse side documentation analysis. Each of these areas of investigation revealed major problems with the painting's authenticity.
3. No provenance back to the artist is available for this painting. The provenance provided is not credible. Since provenance is one of the most important considerations in the authenticity of any painting, this lack of provenance is highly significant.
4. Signature analysis revealed that the syllabic signature on the front of this painting is similar in some ways with a number of the later signatures of the artist, but completely inconsistent with documented syllabic signatures from the same 1970's time period.
5. Comparison of the handwritten signature on the back of this painting with indisputable documented handwritten signatures revealed unequivocal evidence that the handwritten signature on the reverse side of this painting is not by Norval Morrisseau's hand. Both of Norval's most often used initials *N* and *M* contain major errors of construction which would not have been made by the artist.
6. Comparison of the handwritten title on the back of this painting with authentic handwritten titles and other handwritten specimens showed that three major types of inconsistencies were present. In addition, the majority of individual letters used in the title were inconsistent with authentic specimen letters. This is strong evidence that the title was not written by Norval Morrisseau.
7. Morellian stylistic analysis revealed a significant number of pictorial design elements in this painting inconsistent with those used by Norval Morrisseau. Any one of these would have been sufficient to cast doubt on the painting. Together, this large number of design inconsistencies clearly demonstrates, beyond any doubt, that this canvas was not painted by Norval Morrisseau's hand.
8. Examination of the reverse side of the canvas revealed that the painting lacks any secondary supporting documentation (gallery labels, framer labels, gallery inventory numbers, dedications, previous owner's marks or letters) very often found on the back of older secondary market paintings.
9. Reverse side documentation analysis demonstrated that the writing and printing in heavy black drybrush paint on the back of the canvas, alleged to be by the artist, is completely inconsistent with Norval Morrisseau's practice. Morrisseau did not use drybrush paint to sign, title, or date his art in the 1970's, or any other time.

10. Without exception, every specific area of investigation in the traditional art historical analysis conducted on the subject painting revealed major inconsistencies with the authentic works of Norval Morrisseau. There is no part of this painting that appears correct. It is not an exact copy of an authentic work. It is a poor imitation filled with inconsistencies.
11. The results for any one of these areas of investigation, by itself alone, would be sufficient evidence to conclude this painting was an imitation. Taken together, all of the above evidence overwhelmingly supports the conclusion that the subject painting was not painted by Norval Morrisseau's hand. I have reached this conclusion with a one hundred percent level of confidence.
12. The results of scientific tests would serve as interesting confirmation of these conclusions, but in the case of the subject painting, they are not necessary to establish its lack of authenticity.
13. For appraisal purposes the fair market replacement value of this painting is \$200.

EPILOGUE

The subject painting is not an exact copy of an authentic work like the notorious examples in art history. Highly skilled copies of authentic paintings by any artist can be difficult to identify. The history of art is replete with falsely attributed examples of the work of famous artists. There are good imitations and bad imitations. A good imitation made by a highly skilled painter has sometimes, as in the case of Van Gogh and others, fooled the experts, and takes a long time and a high degree of expertise to produce.

This painting is not a good imitation. It is filled with inconsistencies in the front side artwork, the reverse side markings and in both signatures. Any one of these inconsistencies would be sufficient cause to reject it as an authentic work.

Rather than being an exact copy it is a compilation of imitative stylistic elements and sometimes even imagined elements creating a new "Morrisseau work". It was painted spontaneously by a competent woodlands style artist using his/her own recognizable but formulaic style. Other "Morrisseau" paintings done in the same stereotypical manner by this particular artist are not hard to recognize. We may expect this recognition to become more commonplace. As it does, the artistic legacy of Norval Morrisseau may finally begin to achieve the importance it truly deserves.

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Finally, I would like to recognize and applaud all the volunteer members of the Norval Morrisseau Heritage Society, some of whom also face legal threats. The very existence of the NMHS was Norval's last major wish. They are our hope for the elimination of these poor imitations in the future.

APPENDIX

1. CURRICULUM VITAE & REFERENCE LETTER
2. REPRESENTATION AGREEMENT
3. NORVAL'S CONTINUING POWER OF ATTORNEY FOR ART
4. NORVAL'S AUTHORITY TO AUTHENTICATE HIS ART
5. NORVAL'S LETTER RE THUMBPRINTS AND AUTHENTICITY
6. STATEMENTS BY THE AUCTIONEER RANDY POTTER
7. AFFIDAVIT OF NORVAL MORRISSEAU
8. A CONCISE HISTORY OF NORVAL MORRISSEAU
9. NORVAL MORRISSEAU HERITAGE SOCIETY INFORMATION
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