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Aller au sommaire du numéro

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OPINION

It Pleases the Court

The Ernest Cormier Building Rededicated A Hall of Justice

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Law is the art of the good and the just
– Roman proverb

Tall, tapered columns, massive copper doors, and Latin words — strange and sonorous — chiselled skilfully into the stone of the cornice :[2] give it but one glance and the Ernest-Cormier Building proclaims itself an institution. An integral part of Notre-Dame Street, in the heart of historic Montreal, the neo-classical structure imposes itself silently. Lifting their heads, passers-by slow their pace or stop a moment to better appreciate the stately façade, exquisite but solemn. *What goes on beyond that threshold of granite?* The question arises half-consciously and seems to hang a moment in the air : s*urely something a little extraordinary.*

"I have a special relationship with the Ernest-Cormier Building seeing that I come from Old Montreal myself", says the Honourable Justice Yves Mayrand of the Quebec Superior

1. The authors wish to thank all those who were kind enough to grant an interview. Special thanks must also go to the Honourable Madam Justice Louise Mailhot for her patient assistance and to Paule Gauvreau-Dupont and other law clerks (who shall remain nameless) of the QCA. All errors are those of the authors only.

2. It reads : FRASTRA LEGIS AUXILIUM QUAERIT IN LEGEM COMITTIT (He Who Offends the Law Shall Call Upon it in Vain).

Court. "My father was a longshoreman and we had to live close to the port. As a young boy, I was fascinated by the bronze sculptures carved into the doors.[3] Towards the age of 14 or 15, I slipped into the courthouse to see just what went on inside. That's how I decided to become a lawyer in the first place. The building had an influence on my choice of career".

In effect, more than merely an architectural expression, Ernest Cormier's early masterpiece inspired people who would go on to become leading Canadian jurists.

"I boarded at St. Laurent College from the age of 13 to 14", says the Right Honourable Antonio Lamer, former Chief Justice of the Supreme Court of Canada. "I had a special arrangement with the Fathers of the Holy Cross. Every Tuesday and Thursday afternoon I was allowed to go to the courthouse, in the large hall, to follow the murder trials of the day. I'd get back to the College a little on the late side, but the Fathers recognized my interest in the law".

But what are the origins of the building and what function did it serve exactly? To answer these questions is to revisit not only the history of the structure, but that of the city, the province, and the country as a whole. After all, the story of the Ernest-Cormier Building is inseparable from that of the community and flows, like the St. Lawrence itself, through a vast region of landmarks, events, and cherished fields of memory.

Even today, the sound of hooves still resonates along Notre-Dame Street. In the 19th century — where our narrative begins — before the advent of motorcars, even before the Fathers of Confederation assembled at Charlottetown, Montreal was a city with growing pains. Flourishing, the metropolis was already Quebec's largest port, as well as the commercial, financial, and banking hub of British North America. While its merchants were prospering, however, Montreal's magistrates were beginning to despair.

Indeed, from the very beginning, Quebec City was the official capital of the colony established by Jean Talon. Built on the site of the original French settlement, the fortified

3. The monumental doors were fashioned in France and consist of bas-reliefs depicting an allegorical history of Justice. See M. NANTEL, « Le palais de justice de Montréal et ses abords » (1947) *Les cahiers des dix*, 12, Montréal, 197 at 226, 227.

town had always headquartered the colonial administration. The Governor resided and fulfilled his duties in Quebec City and the judges, robed in scarlet and ermine, decided cases there. Even after the British Conquest and the *Royal Proclamation of 1763*, the privileged status of the ancient city remained unaltered.[4]

First economically but always a distant second politically, Montreal only received its courthouse in 1800.[5] It was located at what is today 155 Notre-Dame Street East, the site currently occupied by the Lucien-Saulnier municipal building.

Unfortunately, a fire — true bane of the times — ravaged the building on the night of the 17th and 18th of July, 1844. The damage forced a temporary move into the military structures that used to abut the Champ-de-Mars.[6] Now forgotten, a garrison was billeted near that long green rectangle where tourists and locals alike now stroll, picnic, or stretch out lazily on the grass. In a past not all that distant, but almost unimaginable, soldiers used to conduct their military exercises there under a burning summer sun.

In 1849, the judges were compelled to move once again due to extensive renovations. They therefore relocated into the Château Ramezay where they stayed until 1856 when construction of Montreal's second courthouse, now the Lucien-Saulnier Building, was finally completed.[7] Designed in the severe Greco-Roman style and surmounted by a wide dome, the building contrasts pleasantly with its immediate neighbour, the more ornately conceived and delicately drawn City Hall.

Following a substantial reorganization, the newly inaugurated courthouse contained the Superior Court in its

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4. For a description of the transitional period between the French and English administrations see D. FYSON, *The Court Structure of Quebec and Lower Canada*, Montreal, The Montreal History Group, 1994, and J. L'HEUREUX, « L'organisation judiciaire du Québec de 1764 à 1774 », 1 (1970) *R.G.D.* 266.

5. W.P. PERCEVAL, *The Lure of Montreal*, 2nd ed., Toronto, Ryerson Press, 1947, at 57.

6. G. PINARD, *Montréal, son histoire, son architecture*, vol. I, Montreal, Éditions Lapresse, 1986, at 187.

7. Although the Québec Bar was almost immediately dissatisfied with the building's purportedly unwholesome conditions. *Id.* at 190.

entirety. The two sections of the Court of Queen's Bench were also lodged there. While the first section heard criminal cases at the trial level, the second had a general appellate jurisdiction. All of these facilities, however, quickly filled-up the building beyond its capacity to accommodate them.

On 11 March, 1915, a defect in the electrical system caused a fire on the bottom floor of the West wing of the building. The fire resulted in the death of Patrick Gleason, one of the court bailiffs, and destroyed part of the archives. The newspapers and the Bar association called upon the government to erect a more efficient courthouse. On the 14 February, 1920, the provincial authorities mandated a commission composed of Ernest Cormier (1885-1980) and two other men, L.A. Amos and C.S. Saxe, to begin drafting the building.

Ultimately, the structure that emerged not only had a direct practical impact, but a profoundly psychological and cultural one as well.

Commenting on the symbolic role that was once played by the courts, Justice Mayrand recalls, "There used to be several similarities between the Bench and the Church. Both used Latin, both featured men draped in dark, flowing robes, and both surrounded themselves with ceremonies". More than a structure, Ernest Cormier wanted to raise up a monument, a civic temple to enshrine the oracles of the law.

Born in 1885, Cormier studied engineering at Montreal's École Polytechnique and became an architect upon graduation. Following studies at the École des Beaux-arts in Paris, he returned home to become a master of the art deco style throughout the 1920s and 30s. An artistic movement developed in post-WWI France, art deco embodies clean lines, geometric precision, and an understated continental elegance.

In addition to the building which bears his name, Cormier also designed the Supreme Court of Canada in Ottawa — a majestic neo-gothic structure — and the central pavilion of the University of Montreal. Characterized by its famous watchtower, the building has become a natural extension of Mount Royal : a modern fortress that rises above the surrounding rooftops, metaphor of a confident, thriving city.

A photograph of Cormier shows a man with an intense gaze and deeply furrowed, almost scowling, brows. A cigarette hanging from his half-smiling lips, wearing circular glasses, and sporting a dotted bowtie, he personifies the older, accomplished artist who has already left his mark.

Once the Ernest-Cormier Building was completed in 1926, the different criminal jurisdictions, including the lower trial divisions and the criminal section of the Court of Queen's Bench, were moved into the new courthouse. In short, the entire hierarchy of Montreal's criminal court system was concentrated in a single place. More than the seat of the judiciary, however, the Ernest-Cormier Building came to occupy a key place in the political life of the city and the province.

"Originally, in the 1930s, 40s, and 50s, the office of the Quebec Premier was located in the building", says the Honourable Claude Bisson, former Chief Justice of the Quebec Court of Appeal. "Messrs Taschereau and Duplessis had their offices there until the inauguration of the Hydro Quebec Building on what was then Dorchester Boulevard".

A legal and administrative nucleus, the courthouse also served to shed light on some of Quebec's most celebrated orators.[8] "At that time, barristers had a better grasp of the art of public speaking", says Justice Mayrand. "The lawyers would stride back and forth in front of the bench and the jury. The courtroom helped to highlight individuals who would one day become cabinet ministers and chief justices". Among these rising stars of the legal world were "Joe" Cohen, Alexandre Chevalier, Raymond Daoust, and the Honourable Claude Wagner. "It was a pleasure to hear them", says Justice Lamer.

"Indictable offences were tried above the courtrooms presided by the justices of the peace", writes Maître Gaëtan Raymond, an attorney called to the Bar in 1946. "The majesty of the setting contrasted sharply with that of the courts below. Law students would come to watch the great trials of the day, like the *Stabile* case, in order to learn the tactics practised by the province's most famous criminal lawyers".

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8. For an in-depth description see D. PROULX, *Les grands procès du Québec*, Montreal, Stanké, 1996.

In effect, jury trials took place on the mezzanine floor of the courthouse, in an elaborate hall that has been rechristened Louis-Hippolyte Lafontaine. But even the greatest dramas cannot be staged without the guidance of a gifted director. In the case of the Ernest-Cormier Building, this crucial role was played by Justice Wilfrid Lazure. A graduate of McGill University, he was named to the Superior Court in 1936 and presided with characteristic flair over the criminal assizes. "Judge Lazure dedicated himself to his duties for 25 years", says Justice Bisson. "He was the master and commander of the great hall".

"I told myself that one day I wanted to be Mr. Lazure", says Justice Lamer. "And that's exactly what happened. I was named to the Superior Court in 1969 and entrusted with the assizes".

From the outside, the Ernest-Cormier Building, anchored to the bedrock with its roots of granite, appears unperturbed. The ebb and flow of everyday life — pedestrians, bicycles, cars, and even horse-drawn carriages — seem to course around it like a fixed and unchanging point. At times, it calls to mind those lonely ocean rocks that break and separate the rolling waves. Yet such is not the case. The building has always been filled with the pandemonium of human drama. "The entrance hall was always extremely busy", says the Honourable Michel Proulx, retired Justice of the Court of Appeal. "Since no legal aid was provided back then, there was always a great deal of movement. The lawyers gathered and waited in the hope that potential clients would enlist their services".

Moreover, an atmosphere of competition permeated the courthouse during the 1950s and 60s. "There was a cleavage between criminal and civil lawyers", says Justice Mayrand. "The criminal attorneys would stick together. There was a sense of collegiality amongst the members. It was considered a privilege to get one of the 40 lockers put at the lawyers' disposal".

Like a Mediaeval allegory, the corridors, offices, and courtrooms enclose a mosaic of half-remembered stories. Some of Quebec's most important trials were held in this seemingly predestined hall of justice. Of particular note are

the *Nogaret* (1931), *Boyer* (1947), *Poliquin* (1950), *Courval* (1956), and *Marcotte* (1963) cases.[9]

"I was the defence attorney in *R.* v. *Marcotte*, the case of the half-century", says Justice Mayrand. "The accused, disguised in a Santa Claus costume, had gunned down two police officers and all the machinery of the State had been set in motion against him. He was found guilty and sentenced to hang. One of the outcomes of the case was the abolition of the death penalty".

The 1960s were also rather eventful. "Before that there were very few jury trials and the large courtroom was sufficient", says Justice Bisson. "But with the flood of FLQ[10] trials, the sittings of the Court increased accordingly. The October Crisis magnified greatly the number of cases and additional courtrooms were required for the criminal assizes".

"A lot happened in that building", says Justice Proulx. "There were several upheavals, especially during the FLQ trials in 1963 and '64".

Moreover, the political character of the courthouse was highlighted over the course of three decades. As Justice Bisson points out, Daniel Johnson Sr., Premier and former leader of the Union Nationale party, had a chapel of rest there in 1968. Liberal Minister Pierre Laporte — assassinated in 1970 — and PQ Premier René Lévesque were also laid in state beneath the high, domed ceiling of the entrance hall. Like an enormous backdrop, the modern history of Quebec has played itself out on the building's seemingly placid surface.

Nevertheless, the story of the Ernest-Cormier Building is not only one of tragedy and sorrow. "An American arrived at the courthouse one day overloaded with luggage", says Justice Lamer, laughing. "Believing himself at the railway station, he asked : *Where can I find track 18?* Someone answered that he'd better get himself a cab as he was quite a ways from his train!"

A tale (almost legendary) is told by Justice Pierre Verdon of a judge who, before entering the courtroom, would place his

9. *Ibid.*

10. The Front de libération du Québec. A small nationalist organization which promoted the violent overthrow of the provincial government and the immediate instauration of a fully sovereign Quebec.

unfinished cigar on the lipped lintel of a door. Upon adjournment, he would casually retrieve the remaining butt and continue to savour it. One day, a defence attorney decided to replace the cigar with one of his own — a decidedly inferior brand. Fortunately for the trickster, the judge never was able to discover his identity. Although the smell of tobacco has since been banished from the structure, the infamous lintel, wonderfully discreet, remains unchanged.

Once the modern courthouse located at 1 Notre-Dame Street East was completed in 1971, the Ernest-Cormier Building closed its doors to the public.[11] By grouping together the Court of Quebec, the Superior Court, the Court of Appeal, and even, for a time, the Federal Court, the new structure became Montreal's main legal nerve-centre. The Ernest-Cormier Building, which had brought to the fore the giants of the Quebec legal community and explored the deepest of the human passions, thereafter housed the Conservatories of Music and Dramatic Art until 2001. Following a proud tradition, they continued to breathe life into the tall, echoing halls of stone.

Today, 33 years later, the copper doors have been thrown open once again. The voices of a new generation of orators echo in the great hall, the magnificent bench of wood and marble rises again in its appointed place, and the judges, draped in their sombre robes, proclaim the law.

This time, however, the building has only one tenant : the Quebec Court of Appeal. The province's highest judicial authority, it is the avowed custodian of the civilian legal system developed, codified, and bequeathed by imperial France. Today, the Court of Appeal is composed of 20 judges sitting in Quebec City and Montreal, as well as a varying number of supernumerary and *ad hoc* members. Women judges are also a prominent feature of the Court and have closed the book on the gentleman's club that was the old building.

As early as 1988, Justice Bisson had contemplated the idea of moving the Court of Appeal, which was already becoming cramped and needed space to expand. He broached

11. For a history of the Montreal courthouse see M. NANTEL, « Le palais de justice de Montréal », 4 (1994) *R. du B.* 327.

the subject with the government of the day, but circumstances simply did not allow for such an undertaking.

"Moving the Court of Appeal into the Ernest Cormier Building was a stroke of genius on the part of former Chief Justice Pierre Michaud, Justice Louise Otis, and former Premier Lucien Bouchard", says Justice Proulx. "We returned to our roots. After all, this building was designed to be a court of law".

"The basic idea behind the move was to provide the Court of Appeal with its own premises", says the current Chief Justice, the Honourable Michel Robert. "A space that would help to underline the Court's important and unique role in Quebec society".

All acknowledge the consummate artistry of the place. "Art deco is like a diamond", says Justice Lamer, "its lines are precise, perfect like those of a diamond". As well, all agree that the significance of the building transcends its physical splendour. Indeed, if one stops a moment, one can hear amid the arches and the vaulted domes, behind the walls of stone, and deep within the veins of marble like the beating of a heart. It is the life of an entire profession, an entire period, an entire community calling out in the stillness. Those compelling figures which seem to pierce through the doors — enigmatic and austere — are speaking to us. It is the voice of every man and woman rising up, the voice of all those who seek justice and compassion.

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