

AIMÉ GEOFFRION

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Aimé Geoffrion, King's Counsel, member of the Bar of the Province of Quebec, a former Batonnier of the Bar of Montreal, died in his native city on October 15th, 1946.

Universally recognized as Canada's most brilliant advocate, his fame for many years the pride of French Canada, he leaves a void impossible to fill, an example difficult to emulate, a lesson most moving to ponder.

His life is a vivid reminder for those who, in an age when Law is often belittled, value Law for what it should never cease to be — the indispensable regulator of human activities; and who realize that to know and to defend it is the highest privilege and honour and the noblest function to which, humanly speaking, a man may aspire.

One of the last times I had the privilege of hearing Mr. Geoffrion was for me a moment of deep emotion. It was in a case where the most eminent members of two great professions — the architects and the engineers — were arrayed against one another. Mr. Geoffrion represented the architects. One of the last witnesses was an engineer of international reputation, a man powerful in physique, in intelligence and in strength of will. Mr. Geoffrion bombarded him with questions which he tried to evade, for he realized that on his answers the fate of the case might depend. There was for some moments a stern duel between them. In the box, too small for his huge form, the witness twisted and squirmed, his voice rising loudly, scarcely able to control his irritation — he who was so unused to contradiction — at the obstinacy and the persistence of his adversary. The other, less imposing in build, more refined in feature, proud in bearing, his graying head radiating intellectual force, was just as stubborn, yielding not at all. Voices strained in diapason, veins in neck and temple swelled, in the physical and intellectual battle that was on. Suddenly the big man wilted as his adversary wrenched from him the hard-sought answer, and smiled in homage to the power greater than his own. . . . Whereupon the spectators drew breath again.

* *Editor's Note.*—Mr. Brossard's original article appeared in French in the January issue of the Review. Some of our readers have suggested that his appreciation of a great lawyer, whose career shed lustre on the whole Bar of Canada, should also be printed in English. We are happy therefore to present this English translation: it has been prepared by Mr. Walter S. Johnson, K.C., the chairman of the Review's Editorial Advisory Board.

This intellectual force that was Aimé Geoffrion has now at last bowed low before a greater power; but it remains an ineradicable memory for those who with amazement saw it in play, as does that of Eugene Lafleur and P. B. Mignault — those other champions of French legal ways of thought who also adorned the Bar of Canada.

Perhaps other Canadian lawyers, in statesmanship or on the Bench, have shed greater lustre upon our Order; but few indeed have so fully ennobled it by a life wholly consecrated to active practice. Aimé Geoffrion, had he so wished, could have sat in our country's highest court; there, like other memorable jurists, he would have done honour to French legal tradition. But there, possibly, he would have been not quite content — combative by temperament, overflowing with energy that demanded an outlet in action, he chose to remain to the end a practising lawyer — an *advocate*, always. For this there was the compelling reason that he deeply loved his profession: to overcome some obstacle that arose suddenly in argument, disposing of it on the instant; to meet at trial and overcome in passing some apparently insurmountable difficulty born of political and economic conditions which scientific discoveries and the confusions of the social order constantly modify — here for him was the source of greater intellectual satisfaction than would have been the unravelling of the same problem in the serenity of a judge's chambers.

This love of battle and the vigour and extraordinary rapidity of his thinking, the outstanding elements of his great talents, made him the most celebrated advocate in Canada, to whom his confreres, both young and old, most naturally turned for counsel.

His quick and comprehending sizing-up of facts and law and his retentive memory enabled him, after a few moments of reflection and preparation, to argue for hours the merits of a long and complicated record. In 1933, for example, when the coal company prosecutions were being pressed at Quebec, he was retained as counsel to a large and professionally very important group of lawyers. The principal facts and points of law of a vast record of testimony and exhibits were merely summarized for him, only a few hours of the evening were available to him, yet next day he astonished all concerned by his day-long argument in appeal. But that was not a unique incident — always as counsel he began and ended by surprising and almost confounding his confreres by his seemingly complete knowledge of their case disclosed by his argument, comparatively brief though his chance to digest the record had been. This intuition of his gave him

so quickly the essence of problems and facts submitted to him that it was often uncanny if not a little more than human; and referring to it, the Rt. Hon. Louis St. Laurent remarked: "There was about him a quality which marked him off from other lawyers — the extraordinary rapidity, often as disconcerting for the judge as for his adversary, of his thinking; in my more than forty years at the Bar I have known no one whose brain raced so swiftly as that of Aimé Geoffrion".

Thanks to his prodigious memory, the rapidity of his thought and his innate feeling for law and *sens juridique*, he always quickly and surely found the cases and doctrine relevant to the problem submitted to him by confrere or client, or that answered the question, dangerous perhaps for others, suddenly posed by a judge in appeal or by a Lord of the Privy Council; though often perhaps the decisions or the doctrine had been noted in the course of their reading by his devoted partner of twenty-five years, Mr. Alexandre Prud'homme, the present Batonnier of Montreal, or by one of his sons, as Mr. Geoffrion gratefully acknowledged — but once having digested them, he retained them, graven in memory and strengthening his soundness of judgment. For him, in consequence, the science of law opened its secrets.

It was natural that, living and practising in a province where French law predominates, the civil law was the field in which this essentially French mind displayed its great legal talent; but he was equally at home in constitutional law and the "common law". He pleaded not only before courts of civil law, but before many courts of "common law"; and the notable cases in which he appeared covered an extremely wide and varied field of Roman-French and Anglo-Saxon law. Before the Lords of the Privy Council, the Judges of the Supreme Court or of our Court of Appeal, he was in his element when interpreting our civil law or the principles of canon law, or defending under principles of constitutional law the jurisdiction of Dominion or province. Today, he was counsel for the United Church of Canada on its bill before the Quebec Legislature seeking incorporation; the next, counsel for the Seminary of Montreal in its famous case against the Indians at Oka.

Some years ago Mr. Fernand Payen, formerly Batonnier of the Bar of Paris, wrote: "Today there is not such a thing as *science* (in the sense of a more or less unified field of knowledge); there are rather only sciences, and each science is a mistress so jealously demanding that it requires a man's complete devotion". One can say of Aimé Geoffrion that he literally and completely

consecrated himself to the science of law and equally that he mastered and made it part of himself.

Quite the best practical lesson for a lawyer was to listen to him argue a case in appeal. Not that he was what is commonly called an eloquent man — his language had not the finish of that of the Honourable Thibaudeau Rinfret, nor the refinement and charm of that of Eugene Lafleur, nor the conciseness of that of P. B. Mignault. No — his thought was so quick that it was always many seconds ahead of his words, and his words, dragged along by his thought, tumbled out and jostled and struggled together in an effort to keep pace. Listening to him, particularly if he were a little piqued by judge or adversary, was like hearing the staccato of a machine gun — his pleading fairly pulsed with words, each of which like a bullet found its mark. Yet, despite all that, the shower of ideas was as remarkable for its coherence and lucidity as for its wealth of sound legal sense. When toward the end of his plea this incomparable advocate gathered up into one compelling synthesis the whole of his argument, the dazed listener reviewed in a flash the full richness of the arguments which he had just heard. Mr. Geoffrion, unlike some of his confreres, never clothed his thought in verbal embroideries of language consciously chosen for its splendour or its literary appeal; on the contrary it was practical, apt, pungent, animated and colorful. The effective principle of his method in argument was his systematic leaving aside contentions and propositions which he knew were debatable, and concentrating on those only which in his judgment were vital and unanswerable.

Once, years ago, a young lawyer now a judge, entrusted by his associates with the thankless task of arguing before the Supreme Court a case which they had themselves lost in appeal, and in a state of extreme nervous anxiety on the eve of his first appearance before that august Bench, ran across Mr. Geoffrion in Ottawa and confided to him his distress. Touched by his young confrere's anxiety, Mr. Geoffrion questioned him about the nature of the case and the arguments he proposed to make; then, after a little reflection, suggested that he abandon all his arguments as outlined and put forward only one — a new one! And that the lucky young lawyer did the next day and obtained a unanimous judgment reversing the judgments below. Such was the vigour of his legal acumen and his knowledge of law; and these of themselves gave to his forensic eloquence greater convincing force than could language more studiously ornate.

To this eloquence and knowledge of law Mr. Geoffrion added truly vast learning, a wide acquaintance with many arts, acid

wit that never wounded, great simplicity, an eager love of life, and an urbane outlook on the world that left him a profoundly human being — one whose gentleness made it a sincere pleasure for him to give his help bountifully and wholeheartedly to the younger confreres who consulted him, to guide and set them straight. And how many of them has he not rescued in time from some mistaken course which in their inexperience they had adopted.

Broadminded and perfectly bilingual, he moved always with equal ease in English and French circles and counted his friends and admirers among both; a Frenchman before all, and a Catholic, the traditions and the disciplines of his race were as precious to him as they were inbred and a natural part of him. The *Montreal Gazette* expressed it all very finely when the day after his death it wrote: "For English-speaking Canadians the life and the personality of Mr. Aimé Geoffrion have been a witness to the worth of French Canada; Mr. Aimé Geoffrion, in a word, was profoundly loyal to all the traditional values of his people, proud of his church, enjoying his rural estate and its gardens of flowers, happy in his Oka countryside and its quiet roads. . . . In him, English Canadians saw a man who, besides a vivid and brilliant intellect, knew how to show in his character the poise and the dignity of an immemorial tradition".

I have been describing, very imperfectly I fear (and for that I crave the reader's indulgence), an Aimé Geoffrion known to all members of the Bar and whose reputation had long since reached beyond the confines of Quebec and of Canada. For more than thirty years he had stood on the summit heights of his profession, and his fame as a jurist been known throughout the Empire. Of his earlier life before those heights were gained, younger members of our profession know little; and yet in fact it is hardly less interesting or less inspiring.

Two of his contemporaries, the Honourable Mr. Justice E. Fabre-Surveyer, of the Superior Court, and Mr. L. A. Rivet, K.C., formerly a Judge of the Circuit Court, have recently movingly recalled something of that earlier period.

That he was a staunch champion of French tradition was doubtless due in great part to the influence and the teaching and example of a remarkable family of jurists — chiefly to his father, Mr. Christophe Alphonse Geoffrion, who was one of the most eminent lawyers of French Canada and the most brilliant of his own generation; of whom a *Batonnier* of his time said in recalling his memory: "The Bar of Montreal will have seen few advocates

so universally gifted as was he; sound in judgment, possessed of an incomparable juridical sense, instantaneous in repartee, of marvellous intellectual vigour — nothing lacked to enable him to resolve, as though of a foregone conclusion, problems however difficult". And that, almost word for word, is what must be said of his son, by his contemporaries in turn, fifty years later.

The teaching of his maternal grandfather, Sir Antoine Aimé Dorion, one of the richest and most generous minds with which French Canada has endowed our country, could not but make a profound impression upon the mentality of the young Aimé, who even in college seemed gifted with unusual qualities destined to serve him so wonderfully.

And is it not a striking fact that at the age of twenty-three, in 1895 (he was born in Montreal in 1872), he was charged with a course of lectures in civil law at McGill University where hardly two years before he had brilliantly taken his degree? Already, text and criticism did not intimidate him. "I remember his first course", writes Judge Surveyer who was one of his first students, "when, twenty-three years old, he dared to criticize, logically and already with authority, the definition of suretyship contained in the Civil Code". Few indeed were the Canadian lawyers of whom as much could be said.

He was but twenty-six when his father, still a comparatively young man, passed away and he had now been in practice some five years. But those five years had brought him a varied experience and, under his father's guidance, an enlarging of his natural capacities. So much so, that he retained entire his father's large clientele — ample proof of the esteem and confidence he had won. But only a few days after being sworn in as a member of the Bar, he had successfully crossed swords with one of his old professors; and within a short time he had pleaded several cases in appeal in his already inimitable way. In 1900, now twenty-seven years old — man of destiny that he was — he pleaded his first case before the Privy Council. Some years later he was to cross the Atlantic once and sometimes twice a year, to appear before the Privy Council where soon he acquired an outstanding reputation.

It is true that his native genius and fortunate birth, the unusual influences that surrounded his youth, contributed in no small degree to launch Aimé Geoffrion into a successful practice, at an age when many others were still struggling for recognition. But that is not the whole story. Beyond all that, his success was in fact hard-won by thoroughness, tenacity and tireless energy, and by the rapidity with which he worked; and it was this indomi-

table capacity for getting through his work that later enabled him, in spite of the demands of an immense clientele, to take an active part in industrial and financial enterprises and to win the confidence and esteem of leaders of business, many of whom, at the head of great undertakings, invited him to a seat on their boards of directors. And thus it was that Aimé Geoffrion, a distinguished French lawyer, emulated the example of leading lawyers of England and the United States, whom their daily contacts with industrial leaders in their respective countries do not deflect from the more austere but always satisfying study of the law.

For young Canadians of this sad twentieth century, when mind and matter are in tragic conflict, he stands as a shining example of the inevitable victory of sheer intellect. With Aimé Geoffrion, a man of unusually brilliant faculties, it was above all the power of thought — thought rapid, well-grounded, lucid and accurate — that triumphed.

Aimé Geoffrion now is gone. He has passed into history. May God, the Supreme Wisdom, be gracious unto him, and smile upon him, in Paradise.

THE NEED FOR SCHOLARS

While it may be easy to make mistakes about genius, there is no great problem involved in the decision to enlarge and support the remaining community of scholars. Canada needs to detect, train, encourage, and retain every scholar she can find, for they will constitute the principal group who will keep Canada up with a rapidly changing world, who will bring Canadian brains and experience to bear on Canadian problems, and who will pass on to youth and to the nation at large the vital tradition from the past. No doubt Canada could get along, as various Canadians have suggested, by repeated transfusions from the United States and Great Britain, but that would be a melancholy existence unworthy of a vigorous people who are capable of a nobler course. In fact, there is little reason to doubt that a Canada which cultivates her scholars, both academic and lay, would be quite capable of providing some transfusions for the rest of the world. That would be a Canada exciting to live in. (John Bartlet Brebner; *Scholarship for Canada* (1945). Ottawa: Canadian Social Science Research Council)