

EUGENE LAFLEUR *

We are assembled to-day to unveil the effigy of a great member of the legal profession, who, in his life, was an honour to the whole country. To the whole country his fame belongs, but, naturally, it is, perhaps, most precious to the city of his birth and to his native province.

And it is, for reasons plain to us all, wholly appropriate that here should be the abiding place of the bust, the first public memorial of him.

It was in the midst of the associations of this great and enlightened community that Eugene Lafleur received the ineffaceable impressions of his early years; that his character and intellectual habits were moulded. Here, in the institutions created by the munificence of her citizens, the ample page of knowledge, rich with the spoils of time, was unrolled before his avid youthful curiosity; and his mind grew and blossomed in the pursuit of liberal culture. Here his powers were disciplined, invigorated and refined by the study of that great system of legal rights and duties which prevails in this province; and here, in the practice of the law in his early manhood, he mastered the craft of the lawyer; and in the daily struggle in the courts of this province he perfected that exquisite skill which constituted his title to the fame as an advocate that later became as wide as Canada and the empire.

I cannot speak of his earlier years from personal knowledge. When I first came to know him he was in the full maturity of his powers, enjoying, especially among those concerned with the work of the courts of appeal, a reputation as a supreme advocate in those courts,—a reputation in my experience unexampled among the lawyers of this country.

It is not, I think, entirely inappropriate that I should give some of my own impressions of him as an advocate. There are many here who knew him in his prime, who could speak of him with a fuller and a more intimate knowledge than that which I possess. But, for a quarter of a century, he regularly appeared before the Supreme Court of Canada of which I was a member. On numerous occasions I heard him address the Judicial Committee of the Privy Council. I can affirm, without qualification, that his rank as an advocate at the centre of the empire conformed to the position he filled in the eye of the people of

*Speech of the Right Honourable Sir Lyman Duff, P.C., G.C.M.G. Chief Justice of Canada, at the ceremony of the unveiling of the bust of the late Eugene Lafleur, K.C., on Tuesday, 4th September, 1934, in Montreal.

Canada. Many of you will remember the words of Lord Dunedin, uttered a few years ago in Toronto :

"I heard Mr. Lafleur at different times during all the years up until the last time, and I think it was not last summer but the summer before when he was over with us. It is, of course, invidious to compare names, but I can say this with confidence, looking back over my experience not only on the Bench but at the Bar, during which time I have heard all the great pleaders in England and Scotland since the days of the Chancellorship of Lord Cairns, that upon purely legal questions Mr. Lafleur was of a stature that you could compare with any of them."

What Lord Dunedin said on that occasion in public, I had more than once before heard him say in private, and I have heard the same from other great British lawyers almost as competent to form a judgment.

It would be an idle effort to attempt to discover the innermost secret of the persuasiveness which, speaking broadly, is perhaps the most appropriate term to apply to the advocacy of Lafleur. You cannot, of course, lay bare with the scalpel of analysis the springs of individual power in any great practical art, least of all in the arts of the forum. The power to captivate, to fix, to hold the attention of the tribunal; the power to predispose the tribunal to a favourable view of the cause of your client; the power, in a word, to persuade — you recognize it, but you cannot explain it or decompose it into its elements.

Nature had, past question, bestowed upon him some of her choicest spiritual boons. On the intellectual side, a crystalline lucidity was, perhaps, his most salient characteristic. He possessed one of those happily constituted minds which, through masses of immaterial facts and across labyrinths of sophistry, penetrate swiftly to the very core of the matter in hand.

Lucidity of thought was allied with a rare mastery of the great arts of selection and condensation, and with the art of clear and perspicuous expression. In an argument by Lafleur the most complicated facts, the most crabbed and difficult trains of legal reasoning arrayed themselves in an order for which the only proper epithet is to be found in the word luminous. There were no blurred outlines, no nebulous, impressionistic patches. The attention of the tribunal was never distracted or wearied by verbosity or redundancy.

It seems, of course, superfluous to say that he never lost sight of the fact that the lawyer's profession is a severely practical one; that under our system the purpose of advocacy is to present the cause of the client in the most effective way; that the lawyer's

governing canon is that, within the proper limits of loyalty and honour, all his powers and talents are at the command of his cause; and that [the practical business of the hour which is to secure a favourable decision must within those limits be his supreme concern.

That may appear to be a superfluous observation, but I make it because I wish to mention another aspect of Lafleur's advocacy which is not, perhaps, often found in union with practical ability of the highest order. Those who observed him throughout his career could not fail to perceive that, great master as he was of the art of advocacy, he was an artist in the broader sense. By that I mean that he had a natural love, for its own sake, of excellence in form, and a natural desire to pursue it. An attachment to the fitting, the becoming, the finished, the felicitous, in themselves, was with him an ever active impulse. It gave suavity, urbanity and attractiveness to his forensic efforts; as, indeed, it decorated all his walks and ways. Yet, paradoxical as it may seem, one heard from his lips no brilliant flashes of rhetoric, no flowers of style.

Matthew Arnold says somewhere, in commenting upon the writings of a famous French critic, that the intellectual gift of lucidity is not without some significant relationship to character. And of this I am sure, that lucidity bears a very close affinity to a mental quality which, in its perfection, is extremely rare; a quality that, for want of a better term, may be designated by a phrase we sometimes hear, "intellectual honesty." It is a quality which involves a great deal more than mere honesty in intention and purpose. It presupposes a faculty of seeing things as they are, unmoved by bias, or passion, or excitement. I think this detachment is, perhaps, characteristic of the really great lawyer, and it is a characteristic which competent observers always recognize when they encounter it. In Lafleur's case it was conspicuous.

Associated with it, as a manifestation, we may suppose, of the same underlying intellectual disposition, there was another quality almost equally rare—a powerful, nay, a dominant inclination towards reasonableness, a natural aversion to the falsehood of extremes; measure, balance. These transcendent qualities impregnated his advocacy and contributed powerfully to its weight.

But Lafleur's fame as a great member of the legal profession does not by any means rest upon his mastery of the arts of advocacy. The aptitude for the judicial art in its widest scope

as evinced by great lawyers is, after all, much the same in all countries. It was this aptitude which made the decisions of Eldon and Selborne upon points of Scotch conveyancing law acceptable to the Court of Session. The possessor of a great or fine legal intelligence discovers the clue which enables him to move with security through the mysteries of an alien legal system.

This was again and again, and most strikingly, exemplified by Lafleur. Without embarrassment; with no deficiency of skill as regards either technique or substance, he argued constantly before the Supreme Court of Canada questions touching the application of common law rules and equity doctrines. Clients in all parts of Canada entrusted him with their causes with a confidence entirely justified quite irrespectively of the system of law from which the principles governing their rights might be derived. Members of the bar from Vancouver and Winnipeg listened with delight to the leader of the bar of Quebec while he discussed with perfect mastery issues turning upon the application of the equitable doctrine of constructive notice, or the principles governing the reciprocal rights of mortgagor and mortgagee to the modern system of land law which prevails in the western provinces.

Justly he deserved the admiration, the respect, the confidence which, without stint, he received as a lawyer from his professional brethren throughout this country. But, I think I am not using the language of exaggeration when I say that their pride in him as a lawyer yielded to the attachment which they accorded to him as a man. Above and beyond all, the homage of his brethren of the law was a homage of the heart; and, in truth, need I say it here, a man of more transparent honesty and simplicity of purpose, more obviously single-minded, it would be difficult to find, or more devoid of that self-seeking ambition which envisages professional advancement as the final end and justification of a lawyer's life. He was utterly free, moreover, from the assumption of heaven-born primacy which men successful in great careers sometimes display. Indeed, as he moved among us, his bearing was rather of one unconscious of his exceptional powers.

It would be impossible to think of him as unscrupulous in the hour of contest; as insolent or over-exultant in the hour of victory; or as resentful or vindictive in the hour of defeat.

As regards himself the strictest of disciplinarians, punctiliously exact in the performance of every duty, he was, neverthe-

less, as regards others, the man of charitable judgment who thinketh no evil, who seeks the lenient interpretation of motive and conduct. His kindness, his considerateness, his large tolerance were manifest in the sight of all men. His successes left no resentments, no jealousies. His were truly the noble manners which are the flower and fruit of noble mind.

For a whole generation he stood for the legal profession as the norm and type, as the living embodiment of those great traditional ideals, the fidelity to which, more than anything else, accounts for the weight and power that for so many generations our profession has enjoyed. Lord Dunedin's words in the speech from which I have already quoted express, I think, exactly what every one of us would wish to say about him :

"When you came to know Mr. Lafleur personally there was only one result, and that was that you became attached to him. I knew him from time to time as he came over to London, and it is a matter of pleasant reminiscence to me that almost the last evening he spent in London at my house. When you have the combination of a strong intellect with unwonted sweetness of character, you get a striking personality; that striking personality Mr. Lafleur was; and I want you to understand that it was appreciated as much on the other side of the Atlantic as it was here."

In a few years there will be none to remember his voice. But something of the character and spirit of such a man is transmitted to fortify those who come after them. *Non omnis moriar*, said a great man—*Non omnis moriar*, if, dying, I yet live in a tender heart or two. The man whom we honour to-day still lives—a gracious and fragrant and cherished memory—in the hearts of this generation which knew him in the flesh; and beyond the life of this generation we may rightly believe that he will live; in the beneficent influences that proceeded from his great qualities of heart, his elevation of character, his shining exemplification of the austere and lofty ideals of the profession of which he was the ornament and pride.
