

THE LATE CHIEF JUSTICE GUSTAVE LAMOthe.

By THE HONORABLE MR. JUSTICE GREENSHIELDS.

“L’adversaire ne douterait de sa parole, le
Juge ne voudrait rien vérifier après lui.”

“In steady good sense, judicial patience and
impartiality, and freedom from prejudice, he was
surpassed by none.”

On the morning of the 24th of November, last, the rapidly circulated report of the death of the Chief Justice of the Province of Quebec brought surprise, shock and sorrow to many. To those of us who were in daily intimate association with him the surprise was lessened by the knowledge that his health for some time left much to be desired; that daily close and intimate association increased the shock and added greatly to the sorrow.

The report of his death told us the manner of his dying; in peaceful, natural, unaided sleep he passed into the great Unseen, and in a moment, as has been said

“He hath learnt the secret hid
Under either Pyramid.”

On the morning of the 27th, without pomp or ostentation, which—to use his own testamentary words —“he detested,” his mortal remains were borne to their last resting place. We who followed (and there were thousands) with bowed heads and sad and kindling hearts, realized—some of us did at least—that we had lost a well beloved Chief Justice; to many came the even more personal realization, that a true and trusted friend, a safe and wise guiding Counselor had been to them lost. In very truth to all it became a reality that a great and good man had ceased his earthly activities; that a busy, unselfish career of well nigh half a century, as a citizen, as a member of

the Bar, as the occupant of the highest judicial position in the Province in which he lived, had all too soon come to an end. It was borne in upon those who gave consideration, that his work in varied spheres was as a "mighty current that made for righteousness."

On the 16th day of April, 1856, in the County bearing the historic name of "Champlain," on the north shore of that noble river so aptly described as one

"Whose mighty current gave
Its freshness for a hundred leagues
Into Ocean's briny wave,"

he was born. His boyhood days were passed much as those of many another boy, in like places and under similar conditions. He grew to early manhood surrounded by a class bearing the time honoured name of the "Quebec Habitant;" a class than which none is more carefree, happy and contented; none more hospitable and industrious; none more law abiding and God fearing; none wherein the love for kin and country is more deeply rooted; none wherein is more deeply implanted the full meaning of the obligation "to do unto others as you would that others should do unto you."

That it was early decided that Lamothe should follow a professional career is manifest. About 1871 he left his home to attend a College at Three Rivers. I pass over the years he spent there with the remark that I have before me as I write a record of his scholastic achievements while at that Institution. He won in various classes, in various and varied subjects, twelve first prizes and two of the second class.

Shortly after completing his course he selected for his future activities the profession of the law. He then started, not only to become a member of the Bar of his Province, but to become a lawyer, and there is a difference. Circumstances which he was unable to overcome prevented him from following the lectures in any of the Law Faculties then existing in the dif-

ferent Provincial Universities. He on more occasions than one expressed to me the regret that he held no University degree. I venture, however, to say, that with all the boasted efficiency of our Law Faculties (concerning which I have no criticism to offer), the late Chief Justice commenced the study of the law following a method which has produced the greatest Jurists of this Province. He did not seek to learn the law second hand or parrot like from others; he went to the source, and during more years than the average student occupies to become a member of the Bar he absorbed law to become a lawyer. He did become a member of the Bar; he became a great lawyer; he became a great Jurist, and he became a great and good Chief Justice. Not in the lecture room, but possibly and probably within the narrow limits of a much smaller room, aided by books borrowed from those who were able and willing to lend, he thoroughly and completely digested, in the first instance, the laws of this Province. Not the law only as revealed in the more or less stilted and oft-times unhappily chosen words of our Code, but the underlying fundamental principles to express which the words found in our Code Articles were chosen. Lamothe saw far behind the Articles of the Code, and his vision reached and his mentality mastered the great principles which the Code Articles seek to embody.

The wonderful and almost startling lucidity and brevity with which, as a Judge, he applied those principles to particular cases and special facts, commanded the admiration of his brother Judges, and inspired complete confidence among the members of the Bar. His written opinions, as we have them of record, are models of judicial pronouncements; only one with a thorough comprehensive grasp of those great principles which underlie the laws of all countries where law has reached the dignity or even the semblance of a Science could have produced what he has left as lasting monuments to his legal learning.

With wonderful certainty and with great alacrity the late Jurist could and did brush aside the chaff, to discover the grains of wheat in the midst of the upraised heap where probably there was much more chaff than wheat.

But above all, and over all, and better than all, were his personal endearing qualities. Using in part the words of another, I once said of him, long before he had gone to join the great majority: "His endearing personal qualities and brilliant equipments as a Judge command alike my affection and completely capture my admiration."

Some seven years ago (the 14th of October, 1915) the late Chief Justice joined us on the Superior Court Bench. I had then a deep seated admiration for his legal abilities and attainments. There followed a close and ever growing intimacy with him after his appointment; that intimacy increased my admiration, but soon there was added to my admiration for the Jurist a lasting and ever growing affection for the man. I recall the words of Sir Charles Peers Davidson, the then Chief Justice of the Superior Court; he said to me: "Lamothe is a perfect type of the best French *Avocat* and of the courtly gentleman."

I repeat here what I said long before his death, and I say it with all the emphasis that words can be found wherewith to express a firm conviction, that in all my intercourse, intimate as it was with him, I never heard him say an unkind thing to a person, nor an unkind thing about a person. He was quick to perceive the fault, the weakness and the mistake, but he was ever more ready to find the excuse. He was critical, but he was ever kindly critical. I venture to assert, that there is not among the members of the Bar one who will gainsay my statement, that he was a great, and kindly considerate, lovable man; that he was a diligent, painstaking, impartial and just Judge. Very early in life he must have realized and never

forgotten the great truth embodied in the words of that old pastoral poet:

Boys flying kites haul in their white-winged birds;
You can't do that way when you're flying words.
"Careful with fire," is good advice we know:
"Careful with words," is ten times doubly so.
Thoughts unexpressed may sometimes fall back
dead;
But God himself can't kill them once they're said!