

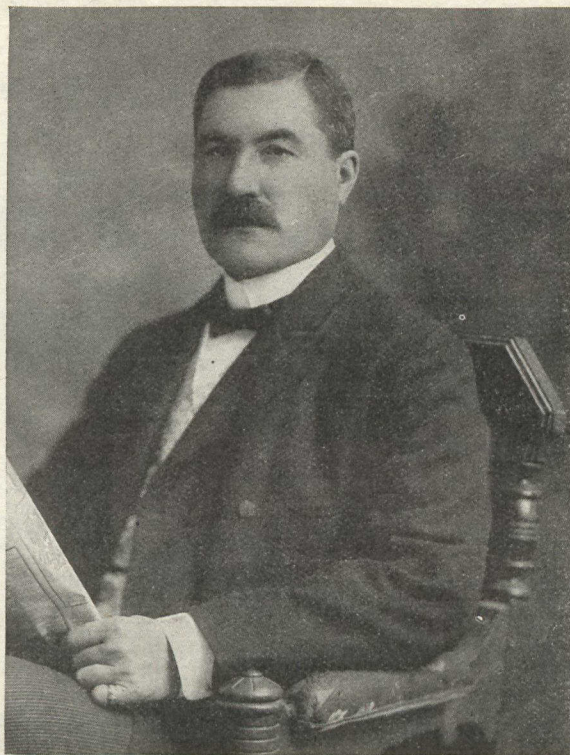
tem will replace; but it will replace him; because the system itself evolves the men that it needs. There are heads of corporations who themselves, in conjunction with a powerful chain of circumstances and conditions, somehow create the systems of which they become the masters. Such a man is Sir William Mackenzie, whose replacement would be practically impossible when so much of the system's life depends upon the projection of his personality. Again there are men like Sir Wilfrid Laurier, who, somewhat the product of party politics, by powerful personal character so impress themselves upon political life that their place in the affairs of a country can only be reoccupied by a change of government and the development of new conditions.

And there comes now and then a man like James Pitt Mabee, the product of no system, the creation of no party and the accident of no mere coalition of circumstances; a man who vitally and suddenly represents the interests of the people at large.

Judge Mabee came before the people of Canada as somewhat the figure of a great tribune. The day he went to the hospital for the operation that failed to prolong his life more than a few days, he listened with the same gigantic patience as always he had done to dry and petty details; just such details as had made the drudgery of his great itinerant court for now nearly nine years. To those who remembered him as he was when he became Judge of the High Court, and when he was plain Lawyer Mabee in Stratford, Ont., he was visibly thinner, less of the big, insistent domination that had made his court supreme among all the courts of America for masterly decisions based upon a great simplicity.

He was but 53; a man who yet should have had fifteen years wherein to represent the people of Canada, independent of party politics or of corporations, but not necessarily adverse to either. He was a peculiar, unusual and almost prodigious personality, much of which was a powerful physique. Mabee always had the look of a man whose immediate ancestors might have wrestled with the trees in making the homes of Canada. His mind had the same rugged, grippy character; somewhat bespoken by a grim jaw that reminded you of the sudden strength of split hickory. He seemed like a necessary and, of late years, a strongly benevolent force that should have been just in its prime—when it quit. What unfillable vacuum he will leave, the other members of the Railway Commission best know. He was a strong-man sort, ruling by dominance of hard, plain sense, the courage of a big simplicity, and the camaraderie of joy in living. Judge Mabee was no ascetic; just as he was no pedant. He gloried in facts—and there were times when the day to him was full of tremendous fictions.

During his seventeen years in Stratford he made no pretense of being more than a common lawyer—latterly of the firm Mabee and Makins. Socially he had few ambitions. Most of the time he was in the railway town he lived in a plain, rather ugly brick house a couple of blocks from the railway shops. For a good deal of the time that Lawyer Mabee lived there it was a rather dull town—most of whose particular excitement was politics, in which Mabee took an occasional hand, campaigning



As He Was When He Became Chairman of the Railway Commission.

for other Liberal candidates and once being an unsuccessful candidate himself, when his opponent was Alex. MacLaren. "Alec." was a tower of political strength. South Perth was almost chronically Conservative. Mabee lost to a popular idol and party politics. And he never particularly regretted it. He had no supreme ambition.

And this man of facts was a man of fictions. He could make a fiction feel like a fact—to the other man. Of all counsel to represent the weak side of a case the man was Mabee. He could make a straw look the size of a bludgeon. But he never did it through the machinery of legality. He understood how much the game of law is sometimes a huge case of bluff; when the pettifogger, weaving his web of legality, needed taking by "the scruff of the neck" and ducking under the pump of common sense. And he has been known to make the weak side of the evidence look so strong to the opposition that the case was settled out of court; practically settled by the man Mabee, who sometimes became judge, jury and counsel rolled into one.

He was a strong, resourceful, big-thinking man to whom the law had many humours and humoursisms. Even in 1901, when he was made K.C., he had no consuming ambition.

When he went to Toronto in 1904 there was no change in Mabee—but in Stratford considerable of a human, unfillable vacuum, such as now there is on the Railway Commission. When he became chairman of the Canadian section of the International Waterways Commission, he got the first experience of the Bench looking down at popular

clamour and vested interests. When, in 1905, he went to the High Court, he first looked down at the law; but was still the essential man sometimes above law that he had been when he had bristled up at the Bench and made juries quiver.

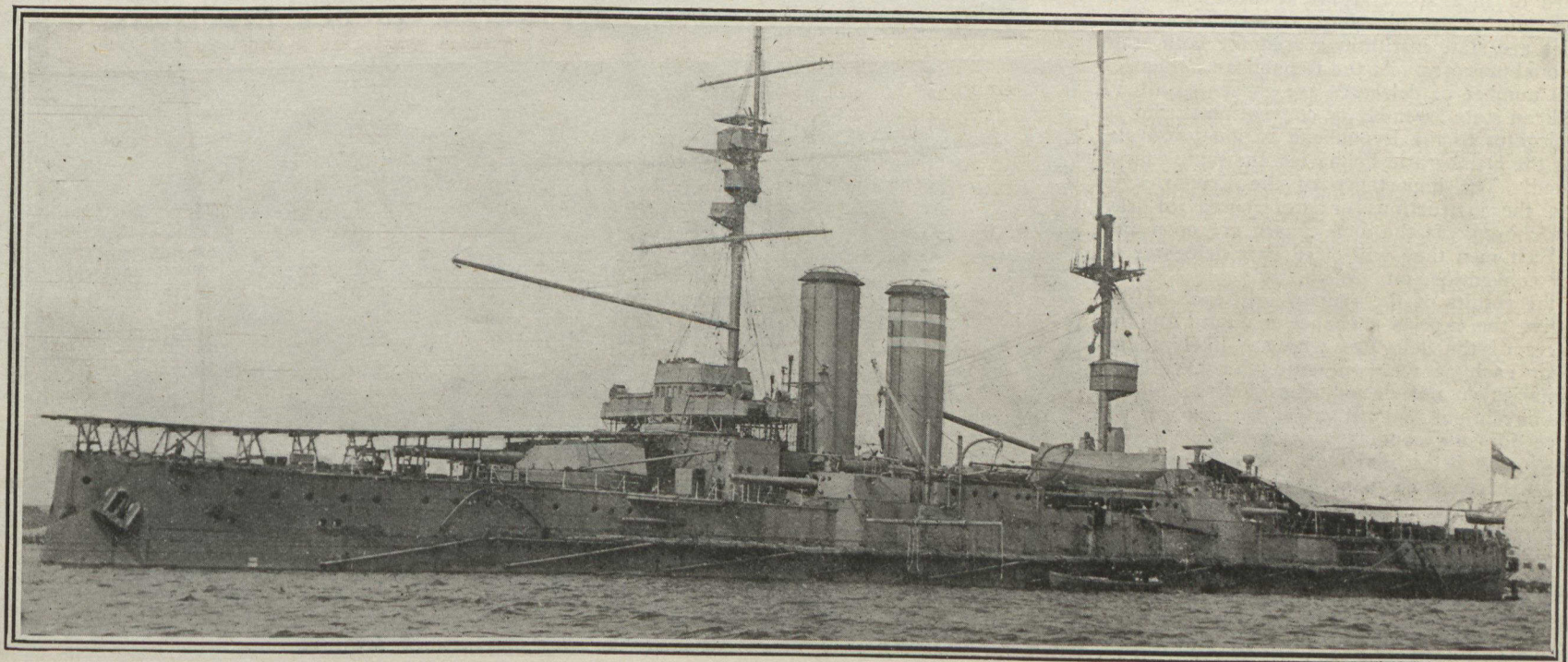
In the four years during which he was chairman of the greatest travelling court in America, Judge Mabee began to have the sensation of dispensing in the form of absolute justice what as lawyer he had sought to obtain for his clients by the common sense that transcends law. Placed where he was by party government, he was never expected to be the mouthpiece of the party, more than he could ever be suspected of becoming the indirect agent of any system. As chairman of the Commission he was not a mere tribune of the plebs, nor a stand-patter with corporations. To him the work of the Commission was not the adjustment of any necessary perpetual struggle between railways and people. It was supremely a determination to secure justice for both, through the operation of supreme common sense. His court was the clearing-house for heated opinions and unreasonable demands whether from one side or the other. No matter on what siding the private car of the Commission stood; side-line or main line; up under the mountains or down on the prairie; in the town just born last week or the old town in the East where progress had shaken things to a new pattern; under the shadow of millionaires' offices, holding his court in civic castles of stone, or squeezed into a squidgy little rattletrap of a town hall with a fire-hall below and the vast vacant prairie all about—it was the same plain man Mabee, the judge whom no prejudice or passion, politics or pettifoggery could ever warp from the clear, plain vision of justice to any man or corporation based upon the kindness of common sense.

He had only begun his real work. What Judge Mabee could have done for Canadian life had he finished his work, only the ethical imagination now can tell. He made a grand beginning; and the swath where he quit mowing will be a hard one for any other man to finish. But the record of Judge Mabee stands as an inspiring example to any man big enough to try.

Montreal Horse Show

PUBLIC interest last week in Montreal was divided between the elections, the Duke and the Horse. At the extreme west end of Catherine St., where the big city flocks for amusement as New York does to the Hippodrome, there has been much more than the usual excitement. The Arena, which is the real forum of Montreal for anything drawing a vast crowd, perhaps never looked so fantastically and aesthetically gay as during the Horse Show. The committee on decoration might give pointers to most committees appointed for that purpose. The scheme carried out in the Arena transformed the huge amphitheatre into a dream of almost moonlight effect. It was the effective handling of the subdued colours and the lights; the almost sheer absence of high colours—reds and blues, the skilful semi-concealment of lights and the use of an orchestra instead of a brass band.

First Battleship Fitted for Launching Aeroplanes



Side View of H. M. S. Hibernia, which was Fitted with a Temporary Platform on the Foredeck for Aeroplane Flights During the King's Visit to Portland Last Week. Photograph by Topical.