

THE HONOURABLE JOHN E. MARTIN.

The late Honourable John Edward Martin, Acting Chief Justice of the Superior Court of Quebec, came from the Eastern Townships of Quebec, which have given to this country so many distinguished men in all walks of life. He was born in 1859, in the Township of Shefford, where his father owned a farm, and he had to mingle, in his youth, with his father's servants, whether of English or of French descent.

His early education was had in the public school at Waterloo. Then he took a Normal diploma and taught school for some years. As a teacher's salary is not very large, the young man felt obliged, for the first time, to apply to his father for help, in order to continue his studies. The latter grudgingly gave him five hundred dollars, which had to see him through his legal studies. So he had to earn, in his spare moments, the remainder of the sum required.

Another disillusion awaited him at the start. Before taking the final plunge, he sought the advice of Mr. W. H. Kerr, K.C., a leader of the Montreal Bar and a Professor at the McGill Law Faculty. The answer was not comforting: "Study Law in Quebec?" Mr. Kerr said, "Well, in twenty-five years the English-speaking lawyer here will be as extinct as the dodo!"

Nothing daunted, young Martin passed his preliminary examination, entered the McGill Law School, and four years later, in 1883, he left it at the head of his class, with that much coveted distinction, the Elizabeth Torrance Gold Medal.

Called to the Bar the following year, he began his career in the circuit he was born in, at Sweetsburg, as the junior partner of the Honourable George B. Baker, for some time Solicitor-General of Quebec. It was not a brilliant *début*. For many years the junior prepared briefs for the senior's arguments, and had very few chances of appearing before the Appellate Courts.

However, everything comes to him who waits. In 1892, Mr. John S. Archibald, K.C., senior member of the firm of Archibald & Foster, became a Judge of the Superior Court. Mr. (now Senator) Foster thought of reorganizing his firm, and associated with himself Mr. Girouard, K.C., M.P., afterwards a Judge of the Supreme Court of Canada, his son, Désiré H. Girouard, and a comparatively unknown lawyer from the townships, who was to succeed Mr. Archibald as Mr. Foster's partner, and also, thirty years later, as Acting Chief Justice of the Superior Court.

In his new environment, Mr. Martin found ample scope for his talent and activity. In 1895 Mr. Girouard was elevated to the Bench, and Mr. Martin was left in full charge of the Court work of a successful and constantly growing practice.

In 1903, he was made a King's Counsel; ten years later he was elected Bâtonnier of the Montreal Bar and Bâtonnier-General of the Province of Quebec, the highest honour which a Quebec lawyer may receive at the hands of his brethren.

It was in that capacity that he welcomed the American Bar Association when it held its meeting at Montreal in the fall of 1913; he was made an honorary member of it, as well as of the Association of the Bar of the State of New York.

A few months later, a movement to form a Canadian Bar Association was on foot. Mr. Martin joined it from the start. He was faithful to it until the end, and had never missed an annual meeting until last summer, when, being President of the Association and called upon to deliver the annual address at the Regina meeting, he felt it impossible to undertake the journey. His address had to be read.

In 1918, after a quarter of a century of advocacy at the Montreal Bar, he was appointed a Judge of the Court of Appeals. There he rendered valuable service by his sound judgment and capacity for work, and particularly endeared himself to his chief, the late lamented Chief Justice Lamothe.

In 1922, Honourable John S. Archibald, Acting Chief Justice of the Superior Court, having resigned, the then Minister of Justice, Sir Lomer Gouin, following the suggestion of the Chief Justice, Sir Francois Lemieux, offered Judge Martin the vacant post. It did not appeal to a Judge of the Court of King's Bench, and he was only induced to accept as a matter of duty towards his fellow-countrymen and co-religionists.

In that new field of activity, his business sense and clearness of mind asserted themselves. Since July, 1920, Quebec has, in a limited fashion, the circuit system which obtains in the other Provinces, as it does in England. It is part of a Chief Justice's duty to see that every district under his control (ten districts being tributary to Montreal) is provided with a Judge when a Judge is needed, and that, conversely, every Judge is provided with cases when away from his official residence. This requires constant attention and a great deal of tact.

When illness compelled him to relent his activities, Judge Martin

had the satisfaction of observing that the country districts were, as a rule, better pleased with the circuit system than they were with a resident Judge, and that less time was wasted in rural districts than there used to be. At the same time, he had succeeded in improving the condition of affairs at Montreal. Every month, he scanned eagerly the reports of the clerks of the various districts, rejoicing with childish glee when progress was shown, and taking a setback almost as a personal affront.

During the last months of his life, one of his greatest sorrows was to see that arrears were increasing in and around Montreal. He did not give in, however, until the last moment. In spite of his condition, he insisted upon presiding, in September, at the opening of the Courts, and he called attention, in measured but clear terms, to the causes which prevent, in the district of Montreal, the speedy administration of justice.

Only a few weeks before his death, did he give up the idea of delivering, at McGill University, his lectures on Company and Bankruptcy Law.

But the end had to come. On January 27th, 1929, he succumbed to the illness against which he had struggled for months. His loss was keenly felt; the Bench and the Bar mourned it with genuine sorrow; the criers and messengers of the Court House, whose legitimate grievances he had urged in and out of season, felt themselves bereft of their best friend; the laymen who knew him realized that a clean, wholesome, public-spirited citizen had disappeared.

In Quebec, where he was known as an Appellate Judge, the Bench and Bar met as a sign of respect, and Chief Justice Lemieux gave a good appreciation of his former colleague when he said: "Judge Martin was eminently qualified to administer justice, thanks both to a long and useful judicial preparation and to a calm, patient temper and a firm mind, aloof from vulgar prejudice."

His remains were taken to the small churchyard of Sweetsburg, within a stone's throw of the office where he first practised law, of the Court House where he argued his first cases. There he rests among the simple people of whom he always remained one, and his name and titles on his tombstone will be a lasting reminder to the youth of the village and of the neighbourhood, of what a man can do who has a well fixed ambition, honesty of purpose and untiring energy.

Montreal.

E. FABRE SURVEYER.