

SIR SAMUEL MARTIN.

brogue which he would have thought it affectation to conceal, he appeared before the world, whether at the bar or on the bench, just as he was. He had no pretention to the arts of advocacy at the bar, and he was a man of little learning; but the secret of his success, both as judge and advocate, was such as to make him a genius in his way. He had a marvellous instinct for what was the right thing to be done. This, added to his plain directness of speech and manner, little like the usual circumlocution of lawyers, was the cause of his success in commercial cases on the Northern Circuit, and of the value placed on his opinion when on the bench. Baron Martin may have been wrong in the way in which he did things; but he was seldom wrong in the result.

A railway company which pleaded to an action for the loss of cattle that "they were carried at owner's risk for less freight." "You had the man's money," he would say, "and you killed his beasts; why don't you pay for them like honest men?" This was, at the time, bad law, if sound morally; and it was not until December 19 last that the Court of Appeal decided, in *Brown v. The Manchester, Sheffield and Lincolnshire Railway Company*, 17 Law Journal Notes of Cases, 139 (December 23, 1882), that the offer of an alternative rate did not, *per se*, make the condition to exempt from liability reasonable.

Baron Martin's breadth of view verged sometimes on the grotesque when carried into the small details of practice. He not infrequently sat at judge's chambers, and on one occasion he was asked to make an order for interrogatories, which in those days was necessary. "How many are there?" asked the baron, without looking at them. "Twenty," was the reply. "I shan't make an order for a man to answer twenty interrogatories," rejoined the judge, "You may ask him half a dozen, and take which you please."

On one occasion, in a real property case, a very learned counsel referred to the laws of Howel Dha, "I don't believe there was such a man," said the baron. The story goes that on another occasion, on Circuit, his brother judge was detained in court beyond the dinner hour. Baron Martin found a Shakespeare which the other judge had left on the table, and took it up as he might the latest novel. His learned brother, coming in, exclaimed: "Why, Martin, I had no idea you were a student of Shakespeare!" "Well, no," replied the baron; "I never read him

before, but I have been reading him for the last twenty minutes, and from what I have seen of him, I think him a very overrated man"—an expression of opinion which, if we do not mistake, has been attributed to others. So, again, at Winchester Assizes, he dined with the warden of Winchester. After the judge had gone the warden remarked to the guests left behind: "What an agreeable man Baron Martin is, but for a judge how ignorant! why, he had never heard of William of Wykeham!" Tradition, however, records that at that very moment the judge was having his revenge. On entering his carriage he said to his marshal: "I like that warden; but for an educated man, he was about the most ignorant man I ever met. He did not know where Danebury was, and had never heard of John Day's training stables."

Rumor indeed always has asserted—and in spite of the positive assurances of a contemporary, will continue to assert—that Mr. Martin was part owner, with the late Mr. Henry Hill, of some racehorses; that he consulted that gentleman as to the advisability of accepting a judgeship; and that the acceptance of the office involved the painful necessity of parting with them.

The only known attempt made to bribe the learned judge proceeded from a prisoner who must have had an inkling of his tastes. He was convicted, and on being called upon before sentence, he said: "I hope your lordship will not be hard upon me; and perhaps your lordship would accept a beautiful game-cock I have at home." The judge put his hand before his mouth to hide his laughter; and then passed a sentence which was not severe, adding: "Mind, my man, you must not send me that game-cock." He once, at a judges' dinner to the bar on Circuit, called across the table to his colleague: "Brother Willes, are pigs within the Wounding Act? Are they 'cattle'?" Mr. Justice Willes stroked his chin, and said: "I think brother, there is a passage in Justinian which seems to point in that direction." Kindness to animals Baron Martin shared with many other occupants of the bench.

If these stories are not more than enough, there is one which suggests the key to Sir Samuel Martin's whole character. He asked a young lawyer how he progressed in his law, and was told that its complications were puzzling. "Nonsense!" said Baron Martin; "bring your common sense to bear on it, man; that's what I always do; and I gener-