

THE HONOURABLE RONALD MARTLAND

WILBUR F. BOWKER*

A life-like sculpted bust by Kenneth Jarvis was unveiled at the reception area on the fourth floor of the Law Centre at the University of Alberta on 1 March 1991. Dean Timothy Christian presided at the ceremony. He invited Wilbur Bowker to "introduce" the Honourable Mr. Martland who was present with Mrs. Martland, members of their family, old friends and members of the Faculty. Following is the text of Bowker's remarks or at least something close.

Le 1er mars 1991, au cours d'une cérémonie qui s'est déroulée dans la salle de réception située au quatrième étage du Law Centre, le doyen Timothy Christian a inauguré un buste sculpté de grandeur nature, oeuvre de Kenneth Jarvis. Il a invité Wilbur Bowker à «présenter» M. le juge Martland, qui assistait à l'événement, entouré de Mme Martland, de leur famille, d'amis de longue date et de membres de la Faculté. Voici les propos de Wilbur Bowker.

It is an honour to be invited to say a few words about the Honourable Mr. Martland on this occasion. Born in Liverpool, England in 1907 he grew up in Edmonton, attending Mackay Avenue and Victoria High Schools. Finishing at the age of 14 he had to stay out a year before going to University. He was a page boy in the Legislature and legend has it that he had some problems with the truant officer.

His record at the University of Alberta in Arts and Law was brilliant. He graduated in 1928. One of twelve, he achieved first-class general standing and won Chief Justice Harvey's gold metal. Awarded the Rhodes Scholarship, he spent three years at Hertford College. He received the Vinerian Scholarship which is the highest award in law at Oxford. My understanding is that only three other Canadians have won it — and I cannot refrain from pointing out that one of the three is Roy Stuart who graduated from this law school in 1958 and is now Dean of Ronald Martland's old college — Hertford.

Returning to Edmonton in 1931, Ronald Martland was articled to Ray Milner and admitted as a barrister in 1932, just as the depression was deepening. He argued the law in two important cases within months after admission: *Powlett v. The University of Alberta* involving a student who had a nervous breakdown after undergoing freshman "initiation" and *London Guarantee v. Northwestern Utilities* (the Corona Hotel fire case). Ronald Martland always valued the fact that he worked with Arthur L. Smith, the great Calgary trial lawyer on both cases (winning the first but not the second). In the spring of 1935 Ronald Martland and his bride who happily is here today spent their honeymoon in Ireland and England. He used the occasion to consult Wilfrid Greene who was at the top of the English bar and who had been retained to argue the Corona Hotel appeal before the Privy Council. As it turned out Greene and George Steer were unable to persuade the Judicial Committee. The case is still included in all tort case books, but I doubt that Ronald Martland has ever come to approve Lord Wright's reasoning.

After these cases he worked with George Steer on a number of important constitutional cases that challenged provincial legislation during the regime of Premier Aberhart in the late thirties and early forties.

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A word about the size of the firm. Until the end of World War II there were never more than six names on the letterhead. Since the recent union with the Fenerty firm of Calgary there are now almost 200 lawyers. My guess is that Ronald Martland was much happier practicing with a firm that (though large for the time) was very small by today's standards than he would have been in today's huge firm.

The post-war period brought about a great emphasis on oil and gas law. Ronald Martland was involved with George Steer in many of these including *Borys* and *Turta*.

He became a bencher of the Law Society of Alberta in 1948 and so continued until his appointment to the Supreme Court of Canada in January 1958. He sat until he reached retirement age on 10 February 1982. His twenty-four years on the Court have been exceeded by only six others. At the retirement ceremony in Ottawa, Chief Justice Laskin said that Ronald Martland had take part in over 1,700 cases, had written the judgement of the court or majority in 227 cases, concurring judgments in 70 and dissenting judgments in 43.

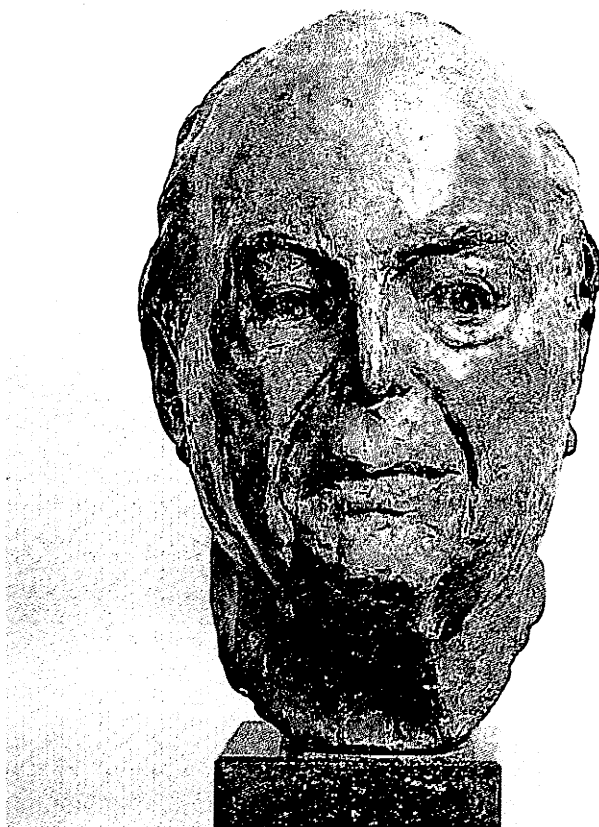
I do not attempt to analyze his judgments or to put them in one category or another. Anyone reading them can see that they are lucid. They show a grasp of legal principles and powerful logical reasoning.

May I now turn to Ronald Martland's links to this Faculty of Law. He became a sessional instructor in 1936 and so continued until he became a bencher. He was on the Law Faculty Council along with other distinguished persons — Mr. Justice Frank Ford, George Steer, Stanley McCuaig and L.Y. Cairns. All these men contributed much to the Council's deliberations in the decade after World War II. Ronald Martland became an honorary professor of law many years ago and holds the same appointment at the University of Calgary. The gratifying feature of these professorships is that they have no age limit.

Among the honours he has received are these: on his retirement he was made a Companion — the highest degree — of the Order of Canada, and one that has few recipients; the Alberta Order of Excellence, which is the highest honour bestowed by the Province; and an honorary Doctor of Laws degree from this University.

One other point — having to do with human qualities. One could never discern from his judgments that Ronald Martland has a great sense of humour, is a skilled raconteur and enjoys a sing-song around the piano. Indeed he is a versifier and has written parodies — at his retirement mention was made of a parody of the Battle Hymn of the Republic with the refrain "As we go judging on."

Finally it is particularly gratifying from the Faculty's standpoint that the bust we are about to unveil is to have its home in this Faculty with which Ronald Martland has had such a long and distinguished association. Now, Dean Christian, may you and I proceed to the unveiling.



THE HONOURABLE RONALD MARTLAND by Kenneth Jarvis