

OBITUARY NOTICES

SIR RAYMOND WEST, K.C.I.E., LL.D.

RAYMOND WEST, the second son of Frederick Henry West and his wife Frances *née* Raymond, was born in county Kerry on September 18, 1832. His father seems to have frequently shifted his residence from England to Ireland and from one place in Ireland to another, returning for a time to England probably on medical advice. He was a man of ready wit and artistic tastes who devoted his short life to literary pursuits, in which he attained some distinction. The mother, a daughter of Richard Raymond, of Ballyloughrane, Kerry, belonging to the Essex family of that name, was endowed with a mind and personality of a high order, and to her the son owed the intellectual atmosphere and encouragement which a good education and the companionship of clever associates bring within the reach of most boys intended for the public service. For Raymond West's whole educational equipment consisted of attendance at the nearest school, whether in Kennington, Dublin, or other parts of Ireland, followed by matriculation at Queen's College, Galway, where he won first-class honours both in Classics and Physics. He was seriously contemplating the adoption of the medical profession when public notice was given that twenty writerships in the service of the East India Company would be awarded by competitive examination to be held in July, 1855. For these well-advertised and much coveted prizes 126 candidates were examined by an eminent Board of Examiners, which included Sir James Stephens, the late Archbishop Temple, Max Müller, G. G. Stokes, Professor Liveing, Rawlinson, and other well-known men. West passed 19th on the list with

1,134 marks, one-half of the marks obtained by the first successful candidate, finding amongst his colleagues Charles Aitchison, John Cordery, James Peile, and G. Pedder, of whom the last two went with him to Bombay. His almost illegible handwriting and the disadvantages of his education no doubt contributed to this result.

A year's preparatory study in London preceded his arrival in Bombay on September 18, 1856, and almost at once West advanced to the position which his industry and natural abilities deserved. Within four months he had passed in Marathi, and was sent to Belgaum to study Canarese, in which language he attained such unusual proficiency as induced Government to entrust to him in 1861 the task of translating into Canarese the Penal and the Criminal Procedure Codes.

Whatever of Irish spirit was in him was soon called into play. Whilst James Peile was watching scenes of mutiny and sending to the *Times* graphic descriptions of the punishment of mutineers at Ahmedabad, West as assistant to G. B. Seton Karr was not less actively engaged in the south of the Presidency in the stirring scenes which followed the disloyal attitude taken up by the brother of the Raja of Kolhapur with the rebels in 1857, the murder of the political agent Manson by Bhaskar Rao, brother of the Chief of Ramdurg, at Nargund, and the Savant disturbances. For his services he received the Mutiny medal, and until 1860 he continued to hold executive appointments in the Revenue Department, which gave him an insight into the lives and habits of Indian society, soon to be turned to good account in his subsequent judicial service.

In 1860-1 he commenced his judicial career as assistant Judge in Dharwar, attracting notice by the thorough manner in which he supervised and controlled the subordinate civil courts. He was transferred to Kaira in 1862, thence joining the Secretariat of Government, and

was next made Registrar of Her Majesty's High Court, Bombay, in the following year, where he employed his leisure hours in the important work of editing the first three volumes of the Bombay laws and regulations, with valuable notes and annotations. After an interval of much needed rest he resumed charge of the office of Registrar in 1864, having declined the tempting offer of the Judgeship of Ahmedabad because he wished to complete his training for such an office. His self-denial only strengthened his claim on preferment, and in 1866 he acted as Judge of Kanara, being further promoted in 1868 to the responsible office of Judicial Commissioner in Sind. That outlying but integral part of the Presidency of Bombay was outside the jurisdiction of the High Court, and its judicial administration needed the hand of reform and reorganization. West had already acquired a high reputation for thoroughness and legal knowledge, and the publication in 1867 of his masterly digest of the Hindu law of inheritance, partition, and adoption, in which he was assisted by the great Sanskrit scholar Dr. Bühler, had attracted attention far beyond the limits of India. His deputation to Sind was not only deserved, but it was fruitful of good results, although a long course of overwork compelled him to take furlough for two years in May, 1869. He proceeded to England with his wife, Clementina Fergusson, only daughter of William M. Chute, of Chute Hall, county Kerry, to whom he had been married at Tanna on February 16, 1867. It may be mentioned here that she died on April 28, 1896, leaving one son and three daughters surviving her. One of her daughters married Mr. Claude Hill, a distinguished member of the Indian Civil Service, now Member of the Council of Bombay, and another is the wife of Mr. L. S. R. Byrne, a master at Eton College.

Furlough without occupation would not have been any relaxation to West, and although a call to the Irish Bar

could add nothing to his qualifications for judicial work, he returned to duty in 1871 with the added titles of Barrister-at-law and M.A. and with the fruits of extensive study in all branches of law. The next period of his service from 1871 to 1886 constituted a record of eminent distinction as a High Court Judge such as few judges, whether barristers or civilians, have achieved. A few breaks in his continuity of service were caused by acting appointments until he was confirmed as Judge in 1873, and by his deputation to Simla in 1879 on the Indian Law Commission, to whose report he contributed the chapter on principles of codification, and then in 1884 to Cairo as Procureur Général of Egypt. Of his work in Egypt it is sufficient to say that his thorough scheme of reform hardly realized the temporary difficulties of the situation, but his labours materially assisted those who followed him. His activities, moreover, were not confined to his duties on the Bench. In 1878 he became Vice-Chancellor of the University of Bombay, he was President of the Bombay branch of the Royal Asiatic Society, and to his own service he gave valuable aid in administering and then arranging the transfer of the Civil Service Provident Fund to Government. But his title to lasting remembrance as a public servant rests upon the learned judgments which he delivered in the High Court. The Bombay High Court Reports and Indian Law Reports are accessible to all who may wish to realize the wide range of information and the trained judgment which distinguished Raymond West as a Judge, and no important case of Hindu law is to-day argued or settled in the Privy Council without constant reference to his monumental treatise and his decisions from the Bench.

With his appointment as Member of Council, an office held by him from November 12, 1887, until his resignation in April, 1892, a period covering parts of the Governorships of Lord Reay and Lord Harris, West entered upon

new duties for which his early life of comparative isolation and his strictly judicial experience had not so fully equipped him. So far as the judicial work of Government and especially its appellate jurisdiction in native states were concerned unusual success and public satisfaction resulted from his administration. But having never experienced the insensible education which a public school freely distributes out of the class-room, he was not predisposed to compromise, and he applied to executive questions and revenue administration a strict and conservative view of justice that led him into conflict with his colleague in Council and the administrative heads of departments who desired to free the ryots and helpless masses of the population from the technicalities of the law. Believing that civil judges were the best human interpreters of right and wrong, West strenuously opposed measures like the Deccan Agriculturist Relief Act, which invaded the "sanctity of contracts", or projects which involved a curtailment of the peasants' right of sale and mortgage of land, which he regarded as unwarrantable restrictions of the rights of property. His nature was perhaps too sensitive, and a want of pliability, with something of pedantry, prevented recognition by others of his really kindly nature. Yet he rendered invaluable services to Government, and his minutes were a mine of deep and far-flung study. If a question of cantonment jurisdiction in a native state came up, Grotius, Vattel, and Puffendorf were accurately and aptly quoted, or a Bhayad dispute from Morvi would suggest an essay on feudal tenures or property in land worthy of Seeböhm or Maine. If the power of reading his notes is not a lost art they must always guide future wayfarers on the dusty paths of the Bombay secretariat. He knew by heart the pithy sayings of famous judges, and was never at a loss to write on any subject. But if his industry through life was thus rewarded by a ready

pen, he paid the penalty of overwork in sleeplessness, and the writer can well remember his somewhat distressing experience of the learned judge's paces up and down the verandah by the seaside at Bombay in the very early hours of the morning.

After his retirement West found interest in teaching Indian law at Cambridge to selected candidates for the Civil Service, in discharging modest duties at the Penge police-court as a Justice of the Peace, and in continuous reading. Amongst the honours which he received the honorary degree of LL.D. given by the University of Bombay on March 24, 1892, was much appreciated. He was honoured by the University of Edinburgh on the occasion of its tercentenary celebrations with the degree of LL.D., and received the same honour from the Queen's University of Ireland. The French distinction of *Officier de l'Instruction Publique* was conferred on him in 1910. In June, 1888, he had received from his own Sovereign the dignity of a Knight Commander of the most eminent order of the Indian Empire. In the transactions of the Royal Asiatic Society he took a prominent part, being President of the Bombay Society, and after his retirement he became Vice-President and subsequently Director of the London Society.

Modest as well as learned, philosophic in temperament, and yet of a broad sympathy which endeared him to many Hindu friends, he lived to the age of 80 despite the strain of overwork and sleeplessness which he bore with undaunted courage. He died at Upper Norwood on September 8, 1912, and was buried at Shirley Churchyard on the 12th of that month, leaving his widow Annie Kirkpatrick, daughter of Surgeon-General H. Cook, whom he had married on June 12, 1901, and the four children by his previous marriage mentioned above surviving him.

WILLIAM LEE-WARNER.
