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## RETIREMENT OF MR. JUSTICE L. C. HORWILL.

The duties and responsibilities of a High Court Judge are onerous and exacting in the extreme and more than enough to tax the mental and moral capacities of even the best of those eminently qualified to fill that high office. Mr. Justice Horwill who retired last week after having been a Judge of the High Court for over fourteen years can be justly proud of having discharged the duties of that exalted office conscientiously and with considerable credit. It is no ordinary achievement. Endowed with the most affable manners, a most equable temperament and a determination, as it were, not to get ruffled, Mr. Justice Horwill has been dispensing even-handed justice unswayed by personalities and unaffected by the varying currents of political thoughts and public opinions. Throughout his long career as a judge, he has never been known at any time to have either lost his temper or said anything harsh to any practitioner appearing before him and more than all has never allowed any prejudice to colour his judgment. He has been able all these years to have enjoyed the respect and affection of not only his colleagues but also of the proverbially critical Bar.

It is not mere knowledge of law alone that can make one a good judge. It is a proper understanding of men and things in their correct perspective and a large measure of sympathetic understanding of human nature that would enable a judge to apply the law so as to render proper justice. His wide experience of conditions in the mofussil has enabled Mr. Justice Horwill to bring to bear a realistic outlook on the disputes of parties and come to just and proper decisions.

Mr. Justice Horwill's social activities, associated as they have been, with well-known humanitarian organisations in the city is a true index to his innate kind nature and christian spirit to help and relieve the suffering of those of God's creations who are low or have fallen down. We are glad that Mr. Justice Horwill though retiring from official service is in the best of health and fit for many more years of useful service to humanity. He can in his retirement look back upon his period of office as one of conscientious service and we may assure him that he can also remain happy in the consciousness that he has always enjoyed the respect and affection of his colleagues and the Bar. We wish him long years of health and happiness

## REFERENCE IN COURT BY THE ADVOCATE-GENERAL.

In making a reference in the High Court to the retirement of Mr. Justice Horwill, the Advocate-General, Mr. Kuttikrishna Menon said :

MY LORD,

The members of the Bar have assembled here today in large numbers to bid your Lordship farewell on the eve of your retirement.

It is now well nigh 14 years since your Lordship took your seat on the Bench of this Court and during these 14 years, I have appeared in many cases before you and I have thus had ample opportunities of appreciating your work as Judge of this Court. Your Lordship's treatment of the Bar has always been characterised by courtesy and consideration. Your Lordship's great patience, affable manners and remarkable equanimity of temper have never been excelled by any other Judge of this Court. No one left your Lordship's Court without the feeling that he has had a full hearing. During the long period of 14 years, I cannot recall to my mind a single instance when your Lordship lost your temper or when you said any harsh word to any practitioner of this Court. Even when sufficient provocation had been given by any practitioner, your Lordship did not lose your temper but let the whole incident pass by with that characteristic nod and smile of yours. Thus throughout your career on the Bench you have maintained extremely cordial relations with the Bar.

Your Lordship has been painstaking and conscientious in the discharge of the duties of your high office. You never discriminated between one practitioner and another or between Senior and Junior. You never had any pet likes or dislikes. You have been simple and unostentatious. Your Lordship's patience and courtesy, your conscientious discharge of your duties and your strict impartiality making no discrimination between man and man are well worthy of emulation.

Yet another noble trait of which I may make special mention on this occasion is the absence of any racial prejudice in you. You did not hesitate to stay on in this country and serve the Indian Republic when almost all Britishers in Government service left the country.

It may truly be said of your Lordship that you have been dispensing justice without fear or favour, in fear of God and in fear of no man. That is the greatest tribute that can be paid to any judge.

Your Lordship did not confine your attention to the administration of law but always took a lively interest in social activities for the amelioration of the down-trodden and the depressed. You have been the friend of the poor and full of human kindness. Your Lordship's silent and unostentatious work as President of the Madras Vigilance Association and as President of the Y. M. C. A. has brought relief and comfort to many desolate homes. It is not for me here to expatiate on your Lordship's varied activities in the social field. Suffice it for me to say that for the social work that your Lordship was doing in this city, you will long be remembered.

After 14 years of daily contact, the time has come for us to part. The parting necessarily causes considerable regret. On behalf of the Bar, I wish your Lordship good-bye. You will have the satisfaction that the affections and good wishes of the Bar go with you. May your Lordship long enjoy health, strength and happiness.

Whatever be the advisability of the rule which enjoins a Judge to resign when he attains the age of 60, I cannot in your case help observing: that you are still strong and healthy and capable of much useful work. It is not yet time for you to be put on the shelf, and I am sure in the new place where you are going to settle after your retirement you will have ample opportunities of serving your fellowmen.

Let me once again on behalf of the Bar bid your Lordship farewell.

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#### MR. JUSTICE HORWILL'S REPLY.

Mr. Justice Horwill in replying to the reference made by the Advocate-General said :

“ I am extremely grateful to you, Mr. Advocate-General, for the kind things said about me and I would indeed be a poor judge if after judging others for 35 years I am not able in some measure to judge myself and realise my own shortcomings. The kind things said to-day would give me contentment in my retirement and also a little conceit. More important, Mr. Advocate-General, than anything which you have said is my knowledge that I am carrying away with me the goodwill and affection of the members of the Bar. The things which you have said to-day may, perhaps, be forgotten ; but I shall never forget the kindness that has been shown me during the course of my career in Madras and particularly during the last few days. Retirement to an I.C.S. English judge means much more than it does to one brought up in or around Madras, because suddenly on one day he severs all connections with all the persons and all the places and all the things for which he has cultivated an affection during his long period of stay in India. So it is really a crisis in the life of an English I.C.S. judge when he retires and leaves all his friends and affections behind him.

I always had a great deal of sympathy for the Englishman I had met in Madras who had never had an opportunity of being associated with life and activity in the mofussil. In Madras which is a vast City, one's life tended to become narrow and artificial. Even the organisation of Indian society here was very different from what it is in the more open and freer life of the mofussil. When I look back after retirement to the happy scenes I had gone through during the past 35 years, I would always think of the beautiful scenery of the country-side and the simple life of the villager that I had been seeing during my service in the mofussil. I had found the experience of that life of tremendous assistance to me in hearing appeals and petitions and to consider them against the background of the rural life with which I was acquainted.

I had come into close contact with some of the members of the Bar outside the precincts of the High Court too in connection with various organisations and social functions. There were some persons who liked a little aggressiveness, a little quarrel, a little breeze that added zest to their life. I am not one of them. I liked a quiet life and preferred friendliness and good-will without that zest for

breeze of any sort. I had spent the past 14 years of my life in Madras in quietude, feeling that my relations with the Bar had been very happy. It was a great joy to me to know that my memories of the Bar and the proceedings in Court had not been marred by any unpleasant incident. During the past three years, the courtesy shown to me was even greater than before, and it was as I had expected.

I have been very happy and I consider myself very fortunate in that I have been able to stay on in India for three years after the attainment of independence. I particularly wanted to see how democracy would function and be preserved after that date. Well, democracy has occasionally been in danger but thanks partly to the vigilance of Courts, and partly also to the restraint that Ministers who held the portfolio of Law and Order imposed upon themselves, I think you will agree with me, that on the whole democracy has worked well up to the present. But dangers to democracy are always lurking round the corner. One day it may be a Minister, another day it may be a wealthy magnate, another day it may be somebody else, does something and threatens democracy or democratic rights. As lawyers, you of course find in democracy the very breath of life, for the whole of the basis of law we are administering is based on the principle that every man is equal to every other man in the eye of the law and equally accountable for his acts. I am glad to leave India with the knowledge that democracy at present is safe and since it has survived three years, it is likely to survive indefinitely. I feel sure that members of the Madras Bar will be custodians of democratic principles and will fight hard to preserve them whatever the dangers to which they may be submitted. There may be a time when you will have to choose between safety and democracy and I feel that on that occasion you will choose democracy.

When I returned to Madras after an absence of three and a half years from India during the first war, the first thing that struck me was the sense of humour of the Madrasi. He still held the same impression. A sense of humour was very akin to sound judgment; it was that sound judgment and sense of proportion that had made Madras famous. To him that sense of proportion had been a contributing source of happiness.

Let me once more thank you all for the kindness shown to me.

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