

SIR CLAUD RAMSEY WILMOT SETON Kt MC (1896-99)

He was born on 30 June 1888 near Margate. Prior to WW1 he became a Solicitor in London. During WW1 he served with distinction, twice being mentioned in dispatches and being awarded the MC.

After the war he was President of the District Court, Jaffa from 1920-26, after which he took on the post of Judicial Adviser to Transjordan. During this time, he wrote a book called "Legislation of Transjordan 1918-1930", which was published in 1931. An unmarked copy inscribed "Arab Legion Head Quarters copy" is currently on sale at £1.500! See <http://www.maggs.com/title/MI25490.asp>

Having become a barrister at Grays Inn, London, he then took up a whole series of further judicial roles abroad – President of District Court, Haifa, Palestine in 1931, Puisne (senior) Judge in Jamaica in 1935; Chief Justice, Nyasaland in 1941; Chief Justice in Fiji and Chief Judicial Commissioner for the Western Pacific from 1945.

He was knighted in 1944.

I have also found reference to him in a 1951 court hearing concerning "Crown ownership of foreshores and seabed, Solomon Islands". In the case the Defendant's argument was apparently that the law could not possibly be so ridiculous as to easily recognise the right of any Solomon Islander either to refuse or allow him to fish for trochus shell on any reef. This line of argument was stated to be based upon a misinterpretation of two legal opinions in 1941 and 1946 respectively. In rejecting this argument, Judicial Commissioner W T Charles said:

"In support of his denial of that right, the defendant has referred me to two advisory opinions upon the subject of fishing rights in the Protectorate. One is by the then Judicial Commissioner given in 1941 in his capacity as Legal Adviser to the Resident Commissioner and the other is by the **Chief Judicial Commissioner, Sir Claud Seton**, given in 1946. As these opinions were advisory, they are not binding upon me and do not absolve me from having to form my own opinion upon the question of law involved, though naturally I have read them in order to gain from them whatever assistance they may offer me. In my opinion they do not cover this case at all. The Judicial Commissioner's opinion was merely that as a general proposition no-one has an exclusive right to fish on any particular reef but he admitted the possibility of exceptions to that proposition. As will appear later, I agree with that opinion, but it leaves open the question whether any, and if so what, exceptions are possible; the question which this case raises.