

Tribute to the memory of late Sir William Henry Garrioch

May it please Your Lordships, a few weeks ago I had decided that in the context of the 40 years of our independence, my Office should along with other members of the legal profession come up with a publication which shall deal with landmark constitutional judgments and provide an analysis of their legal implications.

Among the first persons I had in mind was Sir Henry Garrioch, whose judgments had left in me as a young student, an indelible imprint. It is with great sadness that I learned his decease.

Although Sir Henry's career in the judicial service was relatively short, spanning just over 20 years, yet he was able to reach the highest rung of the ladder and become Chief Justice where, however, his term of office was, alas, too brief.

Henry Garrioch had joined the clerical service but was eventually spotted to be more talented than most and was picked to be a judge's Secretary at a time when there were

only four of those. He became the Secretary of Mr. Justice Georges Espitalier-Noël. Clearly that Judge was able to persuade the then Chief Justice, Sir Francis Herchenroder, that Sir Henry should be encouraged to embrace a legal career. Sir Henry took the advice and completed his studies in law in the U.K. He was Called to the Bar at Grays' Inn in 1952 and to the Mauritian Bar in the same year. On his return to Mauritius, at a time in the 1950's when it was the Chief Justice who advised the Governor on the appointment of Law Officers and District Magistrates, and when the established practice was that members of the Bar who wanted to join the public service were first appointed as District Magistrate and only those thought to be the best were transferred to the Attorney-General's Office, Sir Henry was immediately appointed to the post of Crown Counsel. By then, however, he was not far from his fortieth birthday.

He moved up in the office to become Director of Public Prosecutions, which at the time was higher in the hierarchy than the post of Solicitor-General and was made a Judge of the Supreme Court in 1967. Before this happened, however, in 1963, when the Colonial Secretary despatched his Chief Legal Adviser, Anthony Rushford Q.C. to come and finalise

the draft of what was to become the Mauritius Constitution of 1964 (which was to be the basis for our Independence Constitution of 1967), Mr. Rushford asked Mauritius to provide the services of its best legislative draftsman to be his counterpart. The Mauritius authorities had no hesitation in selecting Sir Henry who spent several days if not weeks at Le Réduit to fine tune the draft before it went to Her Majesty in Council.

When he was a Judge, Sir Henry was, more than once, chosen for what appeared to be difficult tasks: touchy Commissions of Enquiry, difficult Court cases like the politically charged murder trial of the 4 persons accused of killing Azor Adelaide.

By the time Sir Henry was, after Sir Maurice Latour-Adrien's retirement, ready to achieve the highest goal, Sir Raman Osman, who had been Governor-General for some 5 years, decided that enough was enough and retired to his Baie du Tombeau haven. Sir Henry, as he had then become, was made to act as Governor General. Despite all the prestige and aura attached to that post, his love and passion for the law drew him back to the Supreme Court,

where he served as Chief Justice and, obviously, he felt more at home.

A tireless worker who was still at it in the De Commarmond Koenig Chambers on his 90th birthday; he was known to always sit ramrod straight at his desk and to have never been seen to lean back in his office chair. He once said “*Si le travail n’existait pas, je l’aurais inventé*”. His younger colleagues always recall that he never seemed happier than when asked to give them the benefit of his immense knowledge.

Some of his brother judges have described him in distinguished and respectful terms. Former Chief Justice R. Lallah remembers him as someone who had a “quiet and reserved personality” and also someone who had a passion for sketching and drawings.

Sir Henry Garrioch’s legal career has shaped Mauritian law in ways that will long be felt after his death. He will continue to be remembered as a “foundational builder” - one of the key architects of how the courts interpreted the 1968 Constitution and building on the work of his predecessors.

Let me take this opportunity, on behalf of my Office and in my own name, to express my deepest sympathy to his family and dear ones. He may be gone, but he certainly is not forgotten, and never will be. He leaves behind a rich heritage that will continue to inspire and serve as an example to our noble profession.

I thank Your Lordships.