My Lords,

The announcement of the demise of Sir Marc David on 24th January last came as a blow to the community of lawyers and other legal professionals as well as to members of the Judiciary, old and young. The “doyen du barreau mauricien”, Sir Marc, as he was referred to by his confreres, had departed this world at the age of 87, leaving behind a legacy that words shall never be enough to describe.

After brilliant studies at the Royal College of Curepipe which culminated in the bagging of the State scholarship in 1942, Sir Marc pursued his tertiary education at the London School of Economics and was called to the Bar at the Middle Temple in November 1949. He returned to Mauritius and joined the Crown Law Office shortly after. He took silk some ten years later.

I understand from Sir Victor Glover, who for a brief period was Sir Marc’s colleague at the then Crown Law Office, that Sir Marc was the perfect mentor, striking a right balance between giving a legal issue serious thought and examining the said legal issue with a “brind’humour”. A precious piece of advice that he used to impart to his juniors at the Crown Law Office was never to send back a file to the Police or a Ministry just for the sake of getting rid of it. In fact, Sir Marc was known to be a perfectionist, which he himself acknowledged having inherited from Sir Henry Garrioch. There was always a compulsive need for precision in order to ensure that pen was never put to paper unless the point in issue had been thoroughly scrutinized.

My Lords,

Even when Sir Marc went into private practice, he continued to inspire young lawyers around him with the manner in which he handled methodically his files. He was all the time courteous to his seniors as well as to his juniors which earned him utmost respect by one and all in the profession. His profound sense of ethics guided him in his work and it is without surprise to anyone that in 1969, Sir Marc was called upon to preside over the affairs of the Mauritius Bar Association and those of the Bar Council in 2001.

From 1965 to 1971, Sir Marc also served as member of the Provisional Council at the University of Mauritius whilst giving a helping hand in materializing the setting up of the School of law. In the field of academia, he will be remembered as having carried out a visitorial enquiry in May 1980 following student unrest in 1979.
Blessed with acute intelligence and formidable abilities as a lawyer and a sharp cross-examiner, he was nevertheless unassuming in nature, always kind and considerate to others, especially those in need, always ready to hear and discuss ideas.

He comfortably traversed, as an eminent counsel of his day, civil, criminal law and constitutional law, on the one hand whilst finding time to tackle his duties as chairperson of the Electoral Supervisory Commission. Over and over again, you will all agree that we have stood in awe before his wisdom and judgment, negotiation skills, and formidable advocacy - especially in the Supreme Court and before the Judicial Committee of the Privy Council for those who have had the opportunity of witnessing same before the Law Lords. His style was far from being loquacious but was engaging with a touch of discretion. And above all, he was a creative lawyer, seeking to adapt and develop established doctrine in a life-long search for justice. The strength and depth of Sir Marc’s arguments and legal reasoning can equally be gauged from the thorough and meticulous legal analysis that had necessarily to be undertaken by our most experienced Judges whilst considering such arguments, as is evident from the United Docks v Union of Campement Sites which are landmark cases in which Sir Marc appeared.

By any standards, Sir Marc David was a remarkable man. His activities and interests spread far beyond the legal world - not to mention his family, but his love and passion for horse-racing. In fact, Sir Marc was at some point in time Commissioner of the Mauritius Turf Club. But most of all, it was Sir Marc’s personal qualities that endeared him to his many friends, colleagues and associates. Sir Marc equally shared his mind and anecdotes in an autobiography entitled “Histoire d’une vie” which I’m sure is an invaluable journey in the life of an exceptional character that Sir Marc was.

He is greatly missed, he is irreplaceable, but his work and personal example will, I’m sure, inspire many to carry on regardless.

In the name of my Office and in my own personal name, I should like to extend our sincere condolences to the children of Sir Marc and wish to put on record that though Sir Marc is not physically present in this world today yet great minds never die and he shall be ever remembered by one and all.