Address by the Chief Justice, Sir Hugh Wooding, on the occasion of the ceremonial opening of the Supreme Court of Trinidad and Tobago at the beginning of Term on Monday, 5th October 1964.

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It has been my practice to refer at the re-opening of the courts to the progress made in reducing the backlog of cases in the Lists. The Court of Appeal is substantially up to date in that during the year under review it finally disposed of all but a very few of the matters in which appeal records were furnished; yet, in so saying I must not overlook the fact that the time taken in submitting these records is still too often inordinately long. The main bottleneck is in the magistrates' and petty civil courts, but every effort is being made in extremely difficult circumstances to get the stream flowing. Administrative changes will almost certainly be necessary, but it takes time for wise decisions to be reached.

The Court of Appeal statistics are as follow. In the ten months of its session from October 1963 to July 1964 there were heard and determined the following number of appeals:

From the High Court:							
In civil matters	54	as against		36	in the previous year		
In criminal matters	85	"	"	57	"	"	"
From Magistrates' Courts:	499	"	"	504	"	"	"
From Petty Civil Courts:	42	"	"	61	"	"	"
TOTAL	**680**	"	"	**658**	"	"	"

In its civil jurisdiction the High Court sits for the nine months from October to June. In those months of the last Law Year it tried and disposed of actions in number as follows:

In Port of Spain		282 as against 294 in the previous year
In San Fernando		182 as against 71 in the previous year
	TOTAL	464 as against 365 in the previous year

Last year, no statistics were available from Tobago although I was able to say that there was no civil case in the List unheard. This year, however, I regret to have to report that, of nine civil actions which were entered in the Lists for trial, no more than five were heard and determined. As is well known, a Judge normally sits in Tobago in each of three (3) months in the course of a year and he must give priority to criminal proceedings. But during the year under review, because of the preoccupation of the people of Tobago with the devastation caused on September 30 by hurricane Flora, no court was convened in November. This left inadequate time for concluding more of the civil actions.

Questions may be asked why the drop (by 12) in the number of suits tried in Port of Spain as compared with the substantial increase (by 111) in the number tried in San Fernando. It will be recalled that at this time last year I reported an increase in the San Fernando arrears by as many as 47 cases and consequently I undertook to arrange for more sittings there than formerly for the disposal of civil actions. In honouring this undertaking, I was able to provide a total of 17 court-month sessions as against 11 in the previous year whereas Port of Spain had 18 as against 20 the year before. To make up for this decreased allocation to Port of Spain, it will be recalled that I seized advantage of my dual role and took time off from the Court of Appeal whenever I could in order to serve as a Judge of the High Court. To that end I had perforce to accommodate a court in what

used to be the Chief Justice's chambers and should now be serving exclusively as the High Court Judges' Library and Conference Room – which underlines the urgency of the need for an adequate, and proper, Supreme Court as a symbol of Justice in Port of Spain. To this I shall be referring again later.

At the end of Term the number of civil cases still in arrear was as follows: in Port of Spain – 378; in San Fernando – 227; and in Tobago, as already indicated – 4. The total, therefore, is 609 as against 753 two years ago. But to leave the count there would be to tell only half the story. We have been witnessing from the beginning of the last Law Year a very significant increase in the numbers of cases being entered for trial. Thus, in Port of Spain there were 287 actions entered in 1963/64 as compared with 182 in the previous year, and in San Fernando 123 as compared with 118 for the same two years. And already in Port of Spain, for the Term just commencing, there are 70 actions entered in the General List closing on October 15th. Truly the penalty for hard work is more work!

The criminal courts have been no less active. They sat for the eleven months from October to August and the re-accession to the Bench from March 1st of Mr. Justice Camacho as a temporary judge enabled three assize courts to sit for six months in Port of Spain. As many as 461 committals were sent forward from the magistrates' courts throughout the country but in 39 of these 'nolle prosequis' were entered. Adding to the resulting net total of 422 committals a further 112 left over from the previous year, the aggregate for trial was 534. Of these 311 were disposed of on indictment so that, despite

the activity of the courts, and despite our reinforcement by a temporary judge, the arrears have jumped from 112 to 223 in the course of the year.

Alarming as the figures are, I must caution against the trend towards panic. Admittedly, there is a substantial increase in the volume of crime. But let use not be parochial. We need to rid ourselves of the assumption that this is a phenomenon peculiar to Trinidad. It is not. Indeed, it is universal. For example, following a conference of leading research workers and academic authorities concerned with delinquency which was convened by Mr. R.A. Butler when he was Home Secretary in 1960, the Institute of Criminology at Cambridge University and the Department of Criminal Law and Criminology at Edinburgh University undertook a survey of the state of crime in England and Wales and in Scotland respectively and the result of the survey in Scotland (reference to which was published in the Criminal Law Review early this year) shows that, comparing the year 1961/62 with 1954/55, robbery increased by 125%, violence against the person by 105%, housebreaking by 94% and sexual crime by 23%. I mention these facts not because I would counsel complacency – that would be dangerous – but rather because I would not have it said:

> "Oh, Judgement, thou art fled to brutish beasts, and men have lost their reason."

Punishment must never be deflected from its central aim and purpose, which is reformative – reformative of the individual and reformative of society. Punishment, therefore, however swift and sharp, as I agree it ought to be, should never quite lose its

humane character. Those who think otherwise need only contemplate the rash of crime in the days when penal sanctions were harshly unrealistic.

Let me pass from the work of the courts to certain other matters of primary concern. I have spoken more than once of the need to project the image of Justice in our community. Its achievement will depend upon three essentials. First, we need a Hall of Justice which will impress our citizens, and indeed all who dwell in our land, with the majesty if not the full meaning of the Law: perhaps I may add here that it seems to me wholly significant that in my extensive travels in many parts of the world I have discovered no country, save this, in which its Supreme Court has not been independently housed. Secondly, we need to cultivate respect for all who are appointed to administer the law, whether in the superior or in the inferior courts – a respect which must be accorded because of the significance of the office they hold, a respect which must be merited also by their own recognition of the importance of the charge they have assumed. And thirdly, and in my view above all else, we need to accept as an article of faith that our training and qualification as lawyers are for us a responsibility and not a privilege.

It would, I think, be appropriate to say at this stage how very delighted we are that the Bar has recently been honoured by the selection of one of its respected seniors, Algernon Wharton, Q.C., to chair the distinguished international committee set up by the World Peace Through Law Centre to study and undertake research for establishing Constitutional Guarantees of the Rule of Law. It will require dedication to head a committee of the quality of its membership and with the importance of its subject, but its

success will bring not only acclaim to him and his coadjutors in Trinidad, but also distinction to our country of which he is so worthy a citizen.

Another matter of concern is the adoption of an appropriate scheme for the provision of legal aid. The many and increasing demands upon the financial resources of Government cannot be ignored, but likewise, in my opinion, the necessity for a legal aid scheme cannot be disregarded. It was for this reason that in April last I sought to canvass the views of the profession on a proposal which I evolved after study of information furnished by JUSTICE, the British section of the International Commission of Jurists. The proposal calls for joint contributions by Government and the profession and I am happy to know that, in broad principle, it is acceptable to both the Bar Association and the Law Society. The next step, of course, will be to submit it to Government when perhaps after I have been able to discuss it with the Attorney-General a conference may be called to put it into final shape.

We hope to be able to promulgate soon new Judges' Rules to serve as a guide to the police when investigating offences against the law. As both the profession and the police are aware, we have had very much in mind that the Rules recently promulgated in England have not been altogether well received, so we have been examining them with anxious care in order to ensure, insofar as we can, that investigatory procedures are neither oppressive nor unfair to persons who may be or become suspect, but at the same time that the processes of investigations will not be unduly impeded. This calls for a nice balance which, if it is to be secured, will make further consultation necessary between the

judges, the law officers, the Bar, the solicitors and the police. I propose to convene another meeting shortly in that behalf.

Now for a comment or two. At this time last year I heralded the innovation in this country of women functioning as jurors. After a year's pretty severe testing, I am happy to record that they have grandly proved their worth, and we can but hope that they are at least as tolerant of us as we are appreciative of them. The Bench is grateful also to the law officers, the Bar, the solicitors and the Registrar and his staff for the support and assistance given in gratifying the urgency of the courts to get on with the business in hand. It is particularly pleasing that the friendly relations between Bench and Bar have persisted not withstanding that the occasional 'breeze', as I think it is called, may for a brief while rustle the dispassionate calm to which we have grown so very much accustomed.

The Bar has long called for the introduction of mechanical aids to accelerate the work of the courts. As all of you know, we have been experimenting for the past few months with the tape-recording of the summing-up to juries of judges at the criminal assizes. The experiment having proved successful, we have secured statutory approval for the use of tape recorders and we can now look forward to further experimentation whereby we may justify their progressive employment for recording court proceedings. With this, however, we must make haste slowly lest what we conceive to be an aid should prove a snare.

One final word. My attention has been called to criticisms over the past few weeks levelled against the courts and, more particularly, against magistrates. Normally, I would ignore them. But as I have an administrative responsibility in respect of the work of magistrates and, as they have no means of answering criticisms themselves, I think I ought to make a very brief statement. None will dispute the right of any person or body to criticise, in good faith, any act done in the seat of justice. As Lord Atkin said in the celebrated case of Ambard v The Attorney General for Trinidad and Tobago:

> "The path of criticism is a public way: the wrong-headed are permitted to err therein"!

Precisely so. But those who know and have full information on the matter will agree, I am sure, that while no single one of us who are appointed to sit in judgment would lay claim to any quality even remotely approaching infallibility, a fundamental requirement for remedying our community ills lies along the way of social and law reform. I am accordingly myself satisfied, and am glad to make affirmative public testimony, that our magistrates are in no valid sense responsible for the growing upsurge of lawlessness and crime, and that our courts (supreme and subordinate) are working steadfastly and purposefully – albeit under great pressure and stress, and notwithstanding the lack of many an amenity and convenience.

Let us then go forward into the new Term, Bench and Bar alike, unshaken – and, if some will, strengthened – in our resolve to do our utmost, each to the maximum of his ability, and all unswerving in the great Cause to which I trust we have earnestly dedicated our lives.

October 5th 1964