

**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, 4th October 1965.**

On this day in each year I have begun by reporting on the progress of our work. I shall do so again for general information.

The Court of Appeal continues in the happy position of having finally disposed of all but a very few of the matters in which appeal records were furnished. But, once more, I cannot refrain from commenting that the time taken in submitting these records is too often inordinately long. This criticism applies mainly to appeals from matters, summary and petty civil, originating in some of our magistrates' courts. The situation in most of those courts is considerably improved, but I regret to say that in others there are delays which can and should be avoided. Close and constant attention is being given to all aspects of the matter, and it is to be hoped that this day twelve months hence I shall be able to report that the delays have been overcome, substantially if not fully.

The statistics are as follow. In the ten months of its session from October 1964 to July 1965 the Court of Appeal heard and determined the following number of appeals:

From the High Court:

In civil matters	47 as against 54 in the previous year
In criminal matters	62 as against 85 in the previous year
<u>From Magistrates Courts:</u>	411 as against 499 in the previous year
<u>From Petty Civil Courts:</u>	<u>49 as against 42 in the previous year</u>
TOTAL:	<u>569 as against 680 in the previous year</u>

The smaller total for last year is due to the lesser number of appeals coming before the Court.

In the nine months from October to June in which the High Court sits in its civil jurisdiction, the number of actions completed during the last Law Year totalled:

In Port of Spain	362 as against 282 in the previous year
In San Fernando	201 as against 182 in the previous year
In Tobago	<u>5 the same figure 5 as in the previous year</u>
TOTAL	<u>568 as against 469 in the previous year</u>

We commence this Law Year with civil cases in the List awaiting trials as follows:

In Port of Spain	299 as against 378 at the beginning of the last Law Year
In San Fernando	151 “ “ 227 “ “ “ “
In Tobago	<u>4 the same figure 4 as “ “ “</u>
TOTAL	<u>454 as against 609 “ “ “</u>

The backlog with which we have been confronted is therefore steadily declining towards a manageable size. Three years ago when the country attained its Independence, the arrears had reached as high as 753. The statistics show, therefore, that in the last year the arrears were reduced by as many as in the two previous years put together. In part this was due to the substantial increase in the number of cases which came into the Lists in the year 1963/4 as compared with previous years – the number was approximately the same in the last Law Year.

But, as will have been observed, the number of cases disposed of last year reached an all-time high. What is even more encouraging is that there are now no more than 65 cases (21 in Port of Spain and 44 in San Fernando) which have been in the Lists for three years or upwards. At Independence in 1962, there were a large number awaiting trial for upwards of five years – some for as many as seven to ten years, so manifestly there has been a great improvement. It is to be hoped that the old situation will never recur.

The criminal courts have also been active. They sat for the eleven months from October to August and finally disposed of 369 trials which came before them. But although that figure was 58 more than had been determined in the previous year, it was 36 less than the net aggregate of committal for the period under review. Altogether there were 447 committals from which fell to be deducted 42 in which ‘nolle prosequis’ were entered. The resulting position is that the arrears in criminal cases in the High Court which had jumped from 112 to 223 at the end of the previous year have now gone up to 259.

This calls for serious action. At the risk, then, of halting the favourable trend in the disposal of civil actions, I propose to increase, as far as practicable, the number of assize courts which will sit in any one month. Except for the months of November and February when a judge has to go to Tobago on circuit, I plan to have five assize courts sitting throughout the year – 4 in Port of Spain and 1 in San Fernando. The situation will need at all times to be carefully watched. In common with other parts of the world, Trinidad and Tobago has been witnessing an upsurge of serious crime so that every effort must be made to ensure that the courts keep pace in dealing with it.

In reference to crime and its investigation I mentioned last year that we hoped soon to promulgate new judge's rules as a guide to the Police. We did so. We based them substantially on the new rules which had been promulgated in England. But, frankly, I am not at all satisfied with them. Nor are my brethren who sit with me. In a paper which I was asked to write for the recent Commonwealth Law Conference on "Courts and Methods of Administering Justice" I contended that it is a miscarriage of justice, which by Justinian's definition is "the constant and perpetual wish to give to each man his due", when a guilty person escapes the processes of the Law. Accordingly, I expressed the view that notwithstanding the increasing frequency and efficiency of organised crime investigation was being often frustrated by the restraints imposed by the judges' rules. And I advocated a number of revised procedures including the substitution for them and the systems of cautions which they prescribe two simple rules, as enshrined in the law of Scotland. I shall not here or now discuss them but, as I said at the Bar dinner last Saturday, I hope to have an early opportunity so to do. Perhaps I should mention however that the views I expressed in my paper were of the same mould as were expressed at the Conference by the Lord Chief Justice and the Director of Public Prosecutions of England and attracted a substantial measure of agreement.

I think it also expedient, if not indeed necessary, that those to whom is committed the duty of sentencing should have some specialised training to deal with the problem. Increasingly in various parts of the world, chiefly Canada, the U.S.A. and more recently England, the need has been felt for men and women engaged in corrective activities to get together so as to work more satisfactorily for its solution. Seminars have been reported at which "the judge, the probation

and parole officer, prosecutor, policeman, defence lawyer, psychiatrist, psychologist, social worker and university teacher” have probed “ the merits of each person’s and each discipline’s” point of view”. The aim is to rehabilitate the offender and improve the community. This, in my view, should be a challenge to us all.

To pass on to a few concluding observations. I regret that it has not yet been practicable for me to submit formal proposals for a legal aid scheme as I had hoped to do. As I said last year, the many and increasing demands upon the financial resources of Government cannot be ignored and, in my assessment, the time is not propitious for the entertainment of the proposals I have planned. Meanwhile, I must appeal to the profession to cooperate in discharging the duty, which traditionally it has always discharged with pride, of making legal assistance available to those who need it despite their inability to pay. In so saying, I do not advocate any sort of ‘open shop’ for the distribution of indiscriminate poor relief, but practitioners will understand without elaboration from me what is ordinarily expected of them.

I have learnt with very real pleasure that the country can look forward to the early enactment of a Crown Proceedings Act. In my thinking, it has been long overdue. I am glad also to report that we have received additional tape-recording machines for use in the courts. We shall need to examine the practicability of making much more extensive use of them. They are being used in Perth, Western Australia, with apparent success and preliminary tests in London have proved encouraging.

From mechanical aids I turn to accommodation. As everyone is aware, I have been pleading for an appropriate Supreme Court building with proper and adequate amenities – but, so far, without success. I should like on this occasion to add to the representations which I have made from time to time one, and one only, observation. At the recent Commonwealth Law Conference in Australia keen interest in the Caribbean was awakened, and at the World Conference in Washington the Trinidad and Tobago delegation not only was relatively the largest in size but also was impressive in performance. Inevitably, consequences will ensue. It will not in the least surprise me if within the next three years a legal conference of major importance should convene here. If it does, shall we be obliged to bow our heads in apology for the lack of a building and amenities exhibiting our appreciation of the dignity and majesty of the Law?

Nonetheless, it is not merely outward form which is requisite if the Law is to be accorded respect or if its Rule is to be maintained, which is our principal aim. Those who administer the Law and, equally, those who practise it must rise to the full measure of their responsibility and discharge their respective functions fearlessly, zealously, impartially and to the utmost of their ability. All of us must remember that we live in an age when, as the Prime Minister of Australia stated in opening the Commonwealth Law Conference, “the Rule of Law and the institutions of Law are both under challenge”. If this challenge is to be successfully resisted it can only be through both the Bench (judicial and magisterial) and practitioners (barristers and solicitors) projecting an image which is well-pleasing in the public sight. All of us – judges, magistrates and practitioners – are members of what we often say is a noble profession. If you agree that it is, and I hope all of you do, then we should constantly keep in mind the Secretary-General of the English Law Society’s proposition that “a profession supplies an essential public service and its members

must therefore command both the respect and the confidence of the public”. Fundamentally, he said, and I trust we will all agree, as members of a profession we “must be expected to maintain a higher, rather than a lower, standard of rectitude, integrity and honour than members of the general public”.

I make these observations because I have been disturbed about our public relations. What image does the public have of the Law? To what extent do we contribute to that image? Can we search our hearts and come up with the answer that by our industry, our sense of duty and responsibility, our regard for the interest of the litigant and the client, our adherence to professional standards and ethics and our zeal for truth and justice we do indeed uphold the Law? I put these questions but I call for no replies. Let each of us answer to his own conscience, and to the extent to which we acknowledge our misdeeds or shortcomings let us improve upon our deficiencies.

And so we enter upon a new year. Let us do so with purpose, with humility and with dedication.

4th October 1965.