

**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 Tuesday, 4<sup>th</sup> October 1966.**

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Each year when we meet to mark the beginning of the new Law Term, it has been my custom to review the work which the courts have accomplished. I do so again.

As in the past years, the Court of Appeal has completed all but a very few (actually 11) of the matters in which the necessary records were duly submitted, and I am glad to be able to report that progress is at last being made in overcoming the delay in preparing and transmitting them from our magistrates' courts. The number of such appeals heard clearly reflects this. But we are still a long way from the desired goal, and its attainment will continue to require the unremitting attention of all concerned. I have observed in recent times also an unwelcome trend in the time taken to process records in criminal appeals from the High Court. It is a trend which all will agree should be promptly reversed.

I am concerned about progress at the criminal assizes. Whenever I read the "gaol delivery" showing among other things the number of persons detained on remand while awaiting their trial, it disturbs me greatly. Last year I reported that the arrears in indictable cases had grown from 112 in 1963 to 223 in 1964 and further to 259 in 1965. I therefore intimated that in order to arrest this growth I would set up an additional assize court and consequently one civil court less.

I did so. But finding after six months that the indictments listed for hearing were insufficient to justify the extra accommodation, and since it is not within the jurisdiction of the courts to determine what or how many indictments should be listed, I reverted to the 'status quo ante' so as to make full use of all available judicial time. In the result, the arrears in criminal cases have now reached 332 and, as will be observed in a moment, for the first time since Independence we have been unable to cut down on the backlog of civil actions in Port of Spain. In fact, they have gone up slightly.

The statistics are as follow. In the year 1965/66 the Court of Appeal heard and determined the following numbers of appeals:

From the High Court:

|                     |    |            |    |                      |
|---------------------|----|------------|----|----------------------|
| In civil matters    | 53 | as against | 47 | in the previous year |
| In criminal matters | 86 | “ “        | 62 | “ “ “ “              |

|                                 |     |     |     |         |
|---------------------------------|-----|-----|-----|---------|
| <u>From Magistrates' Courts</u> | 776 | “ “ | 411 | “ “ “ “ |
|---------------------------------|-----|-----|-----|---------|

|                                |    |     |    |         |
|--------------------------------|----|-----|----|---------|
| <u>From Petty Civil Courts</u> | 44 | “ “ | 49 | “ “ “ “ |
|--------------------------------|----|-----|----|---------|

|       |     |     |     |         |
|-------|-----|-----|-----|---------|
| TOTAL | 959 | “ “ | 569 | “ “ “ “ |
|-------|-----|-----|-----|---------|

In its civil jurisdiction the High Court heard and determined actions totalling:

|                   |     |            |     |                      |
|-------------------|-----|------------|-----|----------------------|
| In Port of Spain: | 280 | as against | 362 | in the previous year |
|-------------------|-----|------------|-----|----------------------|

|                  |     |     |     |         |
|------------------|-----|-----|-----|---------|
| In San Fernando: | 158 | “ “ | 201 | “ “ “ “ |
|------------------|-----|-----|-----|---------|

|            |   |     |   |         |
|------------|---|-----|---|---------|
| In Tobago: | 4 | “ “ | 5 | “ “ “ “ |
|------------|---|-----|---|---------|

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|--|-----|-----|-----|---------|
|  | 442 | “ “ | 568 | “ “ “ “ |
|--|-----|-----|-----|---------|

We commence this year with civil cases in the Lists awaiting trial:

|                   |     |            |     |                      |
|-------------------|-----|------------|-----|----------------------|
| In Port of Spain: | 316 | as against | 299 | in the previous year |
|-------------------|-----|------------|-----|----------------------|

|                  |     |     |     |         |
|------------------|-----|-----|-----|---------|
| In San Fernando: | 132 | “ “ | 151 | “ “ “ “ |
|------------------|-----|-----|-----|---------|

|            |   |     |   |         |
|------------|---|-----|---|---------|
| In Tobago: | 2 | “ “ | 4 | “ “ “ “ |
|------------|---|-----|---|---------|

|  |     |     |     |         |
|--|-----|-----|-----|---------|
|  | 450 | “ “ | 454 | “ “ “ “ |
|--|-----|-----|-----|---------|

In its criminal jurisdiction the High Court completed 443 trials which were 74 more than in the previous year. Altogether there were 519 committals during the course of the year, from which fell to be deducted 3 in which 'nolle prosequis' were entered. In the result, then, as I said earlier, the number of arrears is now 332.

The burden of administrative work which a Chief Justice is called upon or expected to do is so great that I am happy to be able to record the decision recently taken and implemented to appoint a barrister as his secretary to relieve him of some of the load. I am delighted also to report that we have been provided with an ample additional room in the Supreme Court building in San Fernando in which to house a new law library, so that with the books which have been and are being provided the work in the South should be greatly facilitated. I intend tomorrow formally to open the Library, but it is perhaps eloquent of our needs that the first use to which it will be put is as a court in which I shall sit to complete the trial of an action which has had to be specially fixed.

Our urgent and preeminent need is for a Hall of Justice. I have commented on this each year since it has been my privilege to hold my present office, and I make no apology for doing so again. No one who has any business in our courts here and consequently has to suffer the noise and inadequacies of our courtrooms, or who may see the chambers of some of our Judges or the hole in the corner which perforce must serve our barristers for robing, or who is obliged to stand about on the steps and verandahs because there is nowhere else to await being called – none such can have any proper respect for the symbol of Justice or for the administration of the Law. Earlier this year I visited Toronto and was taken over the new (Can.) \$14 million complex which was then nearing completion and which now houses the Ontario Supreme Court, the York

County Court and the Federal Exchequer Court. At its formal opening last month Chief Justice Gale of Ontario rejoiced, if I may quote him, that

“no longer will member of the Bar, law officers and reluctant visitors have to submit to the antiquated, primitive, appalling and, in many respects, non-existent facilities at the old courthouse.”

No description could be more apt to apply to our facilities here. Hence I cannot too greatly stress how essential it is for the stability of our country that practitioners, accused persons, litigants, witnesses and the general public alike should recognise and appreciate the place and function of the Law and the Courts. Nor do I entertain any doubt that due recognition and appreciation will be lacking unless and until, to quote Chief Justice Gale once more, this “great function of state” is transferred “from an outmoded setting to a more commodious and appropriate home”. I am consequently somewhat encouraged that the first tentative steps are now being taken. The Chief Architect of the Ministry of Works has been for the past few months in touch with some of us of the Judiciary so as to be fully informed what the requirements are, and last Saturday he presented us with a preliminary feasibility study, at the same time intimating that sketch plans and stage A estimates are being prepared. But, I must warn, what will follow is still conjectural. Let us all therefore fervently pray that no longer tentative but positive steps will shortly be taken to achieve the end to which we all look forward.

It is however not only our courthouses which are antiquated and outmoded. So too are many of our laws. Our Judges, past and present, have repeatedly called attention to the necessity for reform and, in some instances, for express provision to deal with problems alien to England and peculiar to our community. No one can doubt that ours has been a great inheritance in that British law and tradition are fundamental to our jurisprudence. But even in Britain the urgency for law reform has moves its Parliament to set up Law Commissions on a permanent footing to

examine and report on what is required. It may perhaps be rejoined that we too have a Law Reform Committee. But out of their four-years deliberations has come so far only the Crown Proceedings Act. And from all accounts, although I cannot myself say positively, it is not for lack of recommendations by that Committee. Perhaps I may instance some of our urgencies here. Our family law in large measure ignores the very high incidence of common law marriages. Our land law disregards the perplexing existence of that property species commonly described as chattel houses. Our law of evidence is by ancient enactment the law of England “for the time being in force”, and by current interpretation (in the circumstances I suppose convenient, but nonetheless I think wrong) the law of England as from time to time amended or enacted by the British Parliament. Our criminal law reflects the life and thought of a century ago when, for example, there were no motor cars that might be the subject of larceny and a fine of \$24 was to most offenders a considerable penalty. Our petty civil courts have lost much of their ‘raison d’etre’, possessing as they do a jurisdiction limited to claims within \$240. In my thinking, it will require extensive legislation to remedy our shortcomings and to satisfy our wants.

Judges do not live in ivory towers, so I know something of the difficulties that lie in the way. But where there is a will there is always a means. I suggest for consideration the institution in Parliament of a “lawyers’ law day” just the same as by tradition there is a private members’ day. By “lawyers’ law day” I mean a day set apart at regular specified intervals during each session of Parliament when law reform measures, non-political and non-controversial in content, can be debated and approved with or without amendment. Policy matters occupy so much of the time and attention of Parliament that a moment can seldom be spared to reconsider the old solutions which, however good they may have been for resolving the problems of the horse-and-buggy era, are in many respects deficient or irrelevant in this jet age of technology and science. But let me

not be misunderstood. These comments apply not only to this country. From discussions at last year's Commonwealth Law Conference in Australia they would seem to be universally valid. Perhaps I should quote Lord Tangle, the President of the Law Society of England, on this. Lecturing in the Hamlyn series on the subject "A New Law For A New World", he commented that:-

"Every Parliament finds itself with an overloaded programme of legislation, and the legislation which is brought forward is frequently the type of legislation which the Government of the day consider will have some electoral appeal. The action of the Opposition with regard to many of these measures is also governed by electoral considerations. In consequence, there are many measures which cannot receive the attention of Parliament because time cannot be found for them. What this really means in practice is that many useful and necessary measures never come before Parliament at all simply because they are dull, uninteresting business with no particular political or electoral appeal".

That is why I advocate, as many others do, the institution of a parliamentary "lawyers' law day". If such a day were instituted, then with cooperation between your Ministry Mr. Attorney, your Association Mr. President of the Bar, your Society Mr. President of the Law Society and your Committee Mr. Chairman of the Law Reform Committee, much can be effected – and with appropriate dispatch. On my part, I shall be ready to make some of my new secretary's time available to transmit and help in shaping ideas and recommendations which may emanate from the Judges. By that means we may indeed achieve a new law for our new world.

I invite this general cooperation and I refer to our new world because, being a newly independent country with inevitable strains and tensions, we need to be vigilant to maintain a body of law

which will enable our courts to discharge their “function of state”. I am all the more concerned about this because there is so little being done constructively to inform and shape public opinion on fundamental issues which relate to or have some bearing upon our civil liberties. I was reminded only a few days ago that it does not suffice merely to enshrine them in our Constitution. This was brought out very forcibly by two (2) legal opinions published and sent to me by the Farquharson Institute of Public Affairs in Jamaica on the alleged use of the “nolle prosequi” not to free an accused, but to have him re-arraigned and tried before a tribunal differently constituted, and on the withdrawal of Government advertisements from a newspaper for what, it was suspected, were purely political reasons. The Chairman of that Institute is one of the outstanding solicitors in Jamaica. The opinions which were printed, published and circulated are by two of their leading Queen’s Counsel who by the traditions of our profession must remain unnamed. Is there anything of the kind here – giving expert legal advice in the service of an informed and responsible public opinion?

Now that we are about to move forward into the year that lies ahead, let us then remember that without Law there is but chaos. So, as we proceed, let us cultivate and preserve a sense of purpose, an objective of service, a spirit of humility and a depth of dedication. Let us never forget that, wherever we may be housed, whatever laws we may administer, we represent and perform a great function of state.

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