Address by the Chief Justice, the Rt. Hon. Sir Hugh Wooding, on the occasion of the Ceremonial Opening of the Supreme Court of Trinidad and Tobago at the beginning of Term on Wednesday, 4th October 1967.

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Once again we are met together in this Hall of Justice at the beginning of a new Law Year. On this occasion ceremonial has taken on certain new and I hope wholly acceptable features. First, and in my thinking far the most significant, we assembled in one Cathedral for a single service of re-dedication, thereby demonstrating that however divergent our several religious faiths may be we are at one in our commitment to the promotion of impartial Justice and the maintenance of social Stability. My brother judges and I are accordingly most grateful for the generous response to our proposals in that behalf. And we would dutifully express our thanks to His Grace the Apostolic Administrator of the Roman Catholic Church and to the Very Reverend the Dean of the Holy Trinity Cathedral for their hearty cooperation as well as to Senator the Rev. Neehall for the inspiriting sermon which he preached today.

As in the past years, I shall now review the work of the courts for the last Law Year. I am glad to be able to report continued progress in accelerating the processing of records of appeals from the magistrates' courts. If this is maintained or, better, improved as I trust it will, we should be free in another year or two from the inordinate delays which have plagued those courts for some time past. The trend of which I spoke last year with respect to forwarding dockets of appeals from convictions at the criminal assizes has happily been halted though not yet sufficiently

reversed, so that there are at present eleven such matters in which the dockets are still not ready. Those apart, the Court of Appeal finally determined all its listed appeals save 4 civil and 1 criminal matters from the High Court, 1 from a Petty Civil Court and 5 from Magistrates' Courts.

The customary statistics follow. In the year 1966/67 the Court of Appeal heard and determined the following number of appeals:

From the High Court:		
In civil matters	85 as against	53 in the previous year
In criminal matters	83 " "	86 " " " "
From Magistrates' Courts:	662 " "	776 " " " "
From Petty Civil Courts:	40 " "	44 " " " "
	870 " "	959 " " " "

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

In Port of Spain:	291 as against	280 in the previous year
In San Fernando:	152 " "	158 " " " "
In Tobago:	2 " "	4 " " " "
	445 " "	442 " " " "

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

In Port of Spain:	322 as against	316 in the previous year
In San Fernando:	154 " "	132 " " " "
In Tobago:	2 " likewise	2 " " " "
	478 " against	450 " " " "

From the figures I have given it will be seen that the civil work of the courts is fairly in hand. There is of course still much room for improvement, so our efforts must not be relaxed. On the criminal side however I am disturbed – and disturbed almost to the point of alarm. Last year I stated that there were 332 committals to the assizes in arrear, but it was later discovered that the figures I was furnished did not include 80 more which were at that time either listed for trial in October or the depositions in which had only just been received in the Attorney's General's Ministry. More accurately therefore the total then in arrear was 412. Today there are as many as 704, so the arrears have gone up by 292! During the year there were 647 committals less 28 nolle prosequis or a net of 619 as compared with a net of 516 in the previous year – an increase of 103. On the other hand, the High Court completed no more than 327 trials or 116 less than the 443 completed the year before. That was in some measure because three assize courts sat in Port of Spain instead of the four which were in session for most of the previous year. It would nevertheless seem that we are up against a rising incidence of crime and a diminishing rate of trial. Manifestly, some solution must be found. It will therefore be necessary to examine all the relevant factors closely so as to work out means whereby we may ensure that matters are brought speedily for trial and that they are duly heard. As a beginning, at the risk of interrupting the current flow of civil work I have for the year commencing today restored another criminal in place of one of our civil courts.

Other measures will be necessary also. At the moment I am investigating with my brother judges various proposals which we hope will assist. But we are all of us convinced that there is an urgent need for radical reorganization. The situation is I think urgent and demands preeminent attention. From the records at my disposal there are persons in custody who have

been awaiting trial since their committal on charges of murder for as many as 18 months. No one should be tolerant that such things should persist. The judges can deal only with such matters as happen to be listed before them and as available time will permit. They will continue to strive but their strivings cannot cease to be vain unless there is a fundamental re-structuring of administration with which they ordinarily have nothing to do. More effective means for the timely service of process need to be devised. Adjournments should not be sought or granted except for good and sufficient cause. And at all levels must be demonstrated a total awareness that Justice cannot be delayed without surely resulting in a complete travesty of Justice.

I have said that my brother judges and I are convinced of the need for radical reorganization. To illustrate by the most obvious. When the jurisdiction of our magistrates' courts was contained within monetary limits as far back as 1921, they were empowered to try charges, such for example as larceny, fraudulent conversion and malicious damage, involving sums not exceeding $96. That was a substantial amount in those days. So, too, our petty civil courts had their jurisdiction limited by an amending ordinance in 1943 within a monetary value of $240. It had been $120 previously. But no further changes have since been enacted. In my view, this situation is absurd. Immediate revision is essential. So too with a considerable body of our existing legislation. Past thinking has become so outmoded that an entire new system of law and procedure may have to be devised. But whatever we do or don't, we have not very much time.

Another feature to which I am constrained to call attention is the abuse of the right to be admitted to bail pending an appeal from conviction or sentence in a summary court. Recidivists know that, whether they plead guilty or not, they can appeal against conviction or sentence and that a

magistrate has no option but to set them free pending the determination of their appeals upon their entering into a recognisance with a surety in a sum which is not very high or upon their depositing such sum into court. Meanwhile, they continue their career of crime and repeat the manoeuvre whenever they are caught. Then, if and when the first of their appeals is dismissed… or abandoned, they thereby succeed in serving a single term of imprisonment in respect of all of these convictions. A simple remedy suggests itself to me – make the grant of bail or the deposit of money in lieu not a right but subject to the discretion of the magistrate and in the last resort of a judge.

I shall not reiterate today my own conviction of the urgent need for law reform. I merely point to the fact that almost everywhere in the world except here its urgency has been recognised to the point that active steps are being taken to promote and achieve it. There are, for example, actively at work today in England two permanent high-powered Law Commissions and in the State of New York a similar Law Revision Commission constituted to review and revise all aspects of civil and criminal law. Past legislation comes under their critical scrutiny so that where necessary or prudent statutes may be consolidated, amended or repealed and replaced. They propose new law to meet new situations which are constantly arising in what is rapidly becoming an entirely new world. They examine new techniques for dealing with offences and recommend such of them for adoption as they conceive will more effectively put curbs upon crime and rehabilitate offenders. Ought then the shaping of new law for our new world to continue in the obscure position to which it seems to have been relegated so that no time or thought can be spared for its attention? And what of the Bar and the stirrings of activity within it of which we so often read nowadays? Will they bridge the gulf between saying and doing and embark upon a

crusade? I adjure them most earnestly to pursue, and to seek the active cooperation of members of the Law Society in pursuing, objectives such as revealing defects in the law as it is, examining the reform of current law as well as proposals for new law coldly, impartially and professionally in depth, and formulating tentative solutions in terms of positive law.

Much of what I have been saying is repetition from past years but those who should have ears to hear have as yet not heard. So continuing in that vein, it will I think be convenient here to recur to my annual plea for a worthy Supreme Court building. If I may borrow the language of the economist, an appropriate home for the Judicial Function of State is an essential part of the infrastructure of any country which aims to maintain stability. It symbolises Justice and being a symbol reflects the country's regard for the preservation of the rule of law. I make no apology therefore for referring once again to the shoddy, antiquated and in some respects non-existent facilities with which we are compelled to abide. At the moment however there would seem to be a glimmering ray of hope. The preliminary feasibility study of which I spoke last year has gone one halting step forward. But it is a step – and in the right direction. May it lead, and I trust swiftly, to our transfer from our outmoded setting to a befitting abode!

It is perhaps fitting to record here that our Supreme Court was honoured last November by being named as a Superior Court of the Commonwealth. This means that any Chief Justice or Judge of our Court, past or present, who may thereafter be named to be a member of her Majesty's Privy Council ipso facto becomes a member of its Judicial Committee. That is, I am happy to say, a distinction which the learning and high traditions of the Bench in Trinidad and Tobago have richly deserved.

I referred earlier to stirrings of activity within the Bar. My brother judges and I are deeply conscious of the role that a great Bar plays in the creation of a really good Bench. We like also to think that the reverse is equally true. Mind stimulates mind and sharpens wit. This process is necessary if the work of the courts is to be done with efficiency, dignity and dispatch. But it is no less necessary that both Bench and Bar should maintain an independence of spirit and an integrity of purpose which will be transparent for all to see. That is the beacon by which we of the Bench have persisted in charting our course. It is likewise the beacon by which we hope the Bar will insist in avoiding the shoals and shallows of the law in operation in our workaday world.

My mention of independence and integrity has been prompted by what I cannot help perceiving as a division of the Bar. Is it that many of its senior and for that reason I would think more experienced and responsible members do not, or consider or have been made to feel that they cannot, make common cause with the others? In speaking of senior I do not of course exclude well-established members of the utter Bar. To me it seems odd that when this country was a dependency the Bar was unquestionably independent, but that now the country is independent there are voices in many places bemoaning what they regard as a growing attitude of dependence on the part of the Bar. I make no judgment myself. I do not know enough of the facts. I am an observer from without and cannot be fully aware of what passes within. But I have risked bringing the matter into the open in the hope that soon a dialogue will be started and that if any rift there be it will soon be mended.

It remains my earnest hope that we shall all move forward, united and together, promoting and maintaining respect for ourselves and respect for the institution and majesty of the Law whose

humble servants we are. And in that hope I invite the full cooperation of all who have to do with the administration of the Law in the year which now we begin.

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