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 Friday, October 4, 1968.

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It has been my practice on this day in each year to review the work of the Courts during the preceding twelve calendar months. Today I shall review, if I may, the progress we have made since the Supreme Court was re-constituted on the attainment of Independence a little more than six years ago.

On August 31, 1962 the untried cases in the civil list numbered 498 in Port of Spain, 250 in San Fernando and 5 in Tobago – a total of 753. As at September 30 this year, they numbered 380 in Port of Spain, 230 in San Fernando and 5 in Tobago – a total of 615. This is 138 less that when we started. But that is not the whole picture. No doubt as a measure of what we have been able to achieve, a great many cases which it had become the practice to settle on whatever terms rather than abide the long delay in getting them heard began again to be entered in the lists for trial. Thus, in the six years since 1962 the number so entered in Port of Spain were successively 175, 274, 288, 297, 297 and 359; in San Fernando 114, 135, 113,131, 174 and 182; and in Tobago 2, 9, 5, 2, 5 and 4. Thus it will be seen that the number of new civil cases so entered for trial in the first and last of the six years under review rose from 291 to 545, that is to say, by more than 87%. Despite that, as I have already noted, we ended the year with 138 less cases unheard than when we began in 1962.

Perhaps I should mention also that in an all-out effort to get firmly to grips with the annually increasing backlog of committals for indictable offences we offered to the Crown Law Officers an extra criminal assize court in San Fernando. It was accepted, so we had one civil court fewer. In consequence, we were able to hear and determine in San Fernando only 106 actions in 1967/68 as against 152 in the previous year. However, we completed in Port of Spain 301 actions as compared with 291 the year before, and in Tobago 3 as against 2. We should undoubtedly have done much better but for the fact that we were one Judge short in March through the inability to fill before April 1 the vacancy caused at the end of February by the sudden and regrettably untimely death of our colleague, the late Mr. Justice Cherrie.

It is not possible to proffer comparable statistics as regards our work at the criminal assizes. In the earlier years the figures were somewhat imprecise. But it may be recalled that the arrears had risen from 412 to 704 in the year 1966/67. We were therefore obliged, as I have said, to make an additional court available for criminal trials, and I am pleased to say that with the cooperation of the Ministry of the Attorney General we succeeded in reducing the backlog to 524. The relative figures are as follows: committals out-standing in September 1967 – 704, plus committals in the year 1967/68 – 442, making a total of 1146. But in 66 of these 'nolle prosequis' were entered thereby reducing the total to 1080, and the courts heard and disposed of 556 – upwards of 100 more than in any previous year ever.

The Court of Appeal also attained a record 'high'. In the last Law Year it heard and determined the following number of appeals:

From the High Court:									
In civil matters	73	as	against	85	in	the	previous	year	
In criminal matters	98	"	"	83	"	"	"	"	
From Magistrates' Courts:	752	"	"	662	"	"	"	"	
From Petty Civil Courts:	50	"	"	40	"	"	"	"	
	973	"	"	870	"	"	"	"	

The total 973 exceeds by 14 the previous record of 959 completed in 1965/66. But I should add that I think it unlikely we shall attain similar figures in the foreseeable future. Appeals from Magistrates' Courts which, in number though not in complexity, comprise the bulk of the work have been brought, I am glad to say, within respectable limits. In 1964 when I instituted the practice of requiring quarterly returns from which I might observe the incidence of delays and the causes therefor, I found that for one reason or another quite a number of records had not been sent forward from summary courts for periods ranging from 1 to nearly 4 years after the appeals were filed, and as recently as last year there were some which had not reached the Court of Appeal after 12 to 24 months. Happily, from the latest returns I have had, which are for the quarter ended June 30 last, I find that appeal records are now being forwarded with due dispatch – in the main, within 2 or 3 months, that there is none now outstanding for more than four months, and that those that are amount only to a very few. The total number of outstanding appeals in summary cases has accordingly dropped from 350 at June 30, 1967 to as little as 78 one year later. However, the picture is not quite as bright in respect of petty civil court appeals, but it is almost and is becoming increasingly so.

I am delighted with all these (what I would regard as) splendid results. And I heartily congratulate my brethren of the Judiciary, the Registry and sub-Registries of the Supreme Court, the Magistrates and their staffs, and the practitioners (barristers and solicitors alike) for their excellent cooperation in tackling the work to be done. I hope this cooperation will continue. It means so much for the due administration of Justice and for public respect for the Courts and the Law.

In the year last past we had yet another reason for self-congratulation. It witnessed the honour conferred on Trinidad and Tobago of being host to the Second Conference of Commonwealth Chief Justices. We were visited as you will recall by 18 Chief Justices or other Heads of the Judiciary of Commonwealth countries, in the case of two of them however by deputes whom they selected from their own Judges. The subject we discussed, "The Judiciary and the State", was not only important but also plainly appropriate in a year designated as Human Rights Year. And at the end of the Conference we issued a communiqué which should I think be constantly borne in mind by all, whether of the profession or of the lay community, who are concerned for the maintenance of the Rule of Law. It reaffirmed the principle that in order to discharge its function of maintaining that rule the Judiciary must be and remain independent. And it added, in terms which can bean repetition, as follows:

> "To maintain that independence Judges need
> to possess a moral and intellectual integrity
> which will win the confidence of the Executive
> and of the public alike. How more specifically this
> confidence may be won probably vary from country to
> country. Nor will it always be easy. But it is
> important to recognise that independence does not mean
> isolation though it can never be founded upon unwarranted
> concession either to executive authority or to public opinion".

Speaking of the Rule of Law brings me to the appeals I have repeatedly made for organized law reform. I am relieved and gratified that at long last the Crown Proceedings and Liability Act has been proclaimed and consequently is now in force. That is a credit entry, which I am really pleased to make. Another credit entry is the decision to create the office of Ombudsman for which I have been pleading ever since my return in December 1962 from a Conference held in Rio by the International Commission of Jurists. A third credit is that officers of the Law Society called and discussed with me how they might proceed in response to my plea last year for the profession to examine the current law as well as proposals for its reform, impartially and in depth, so as thereby to formulate solutions to be recommended in terms of positive law. Since then, I believe they have set up a working committee with appropriate terms of reference. There is yet a fourth credit. Yesterday I received a letter signed by 7 Magistrates, 36 barristers and 6 solicitors announcing their commitment to initiate a dialogue between members of the profession in which ideas may be propounded and views synthesised for the improvement and progressive development of both substantive and adjectival law. All this is to the good. So I look forward with eager anticipation to see actions and recommendations rise to the height of intent and promise.

Despite what I have said, the credits really add up to little present achievement. But they give rise to hope for the future - the hope that springs from an awareness of the first stirrings of new life and activity. We cannot afford to continue at the leisurely pace at which it became possible for a Crown Liability and Proceedings Act to take 14 years from the first submission to the Legislature in 1954 before it became an effective enactment. We need to press on. Our laws should aim purposefully at shaping the structure of our society. We are a new nation, a country

with an individuality all its own. So our independence demands that we restructure our laws to meet the requirements of an independent society. Our commitment should therefore be to do all we can to help make our laws relevant to the conditions of life and the practical realities in our unique and changing community. I say "unique" because every community is in some ways specially so. Such a task, if we would undertake it, requires detailed thought and patient study. We dare not improvise for, if we do, we fail those who look and are entitled to look to us as experts for enlightened guidance and leadership.

I have referred to the decision to create the office of Ombudsman. But I cannot be sure what is being done about legal aid. The working out of an appropriate scheme is an essential first priority. After the Rio Conference to which I referred earlier I undertook some research which would enable me to submit a proposal and I finally did so upwards of four years ago. It had the support of the Bar Council and the Council of the Law Society, but although every now and again I have heard whisperings of Government's recognition of the need to take positive action, they have been muted and thus far have resulted in nothing. Yet no society that has a proper regard for the maintenance of human rights ought so long to ignore a provision which is now almost universally accepted as fundamental for the protection of those who are necessitous and therefore in need of aid.

Before I close, I should like on behalf of the Judiciary to offer our warmest congratulations to five solicitors who have recently celebrated their 50th anniversary of their enrolment as such. I refer to Mr. Elliot Irwin Cameron, Mr. Guy de Gannes, Mr. Thomas Malcolm Milne, Mr. Jack Arthur Procope and Mr. Lewis Llewellyn Roberts. I regret that through ill-health Mr. Milne, my

friend for many a year, cannot be with us today, but the others are here looking almost as young and as fresh as when I first knew them a little more than 40 years ago. It is our hope that they will continue to serve the Law with the dedication and fervour, even if not to the same extent of activity, as they did for the past fifty years.

And so we go forward into the new Law Year. I trust it will be fruitful. And I pray that the cooperation I have always received in the past will continue to be given, fully and readily, so that at all times the Country will be proud of its Courts and the Courts will bring honour and respect to the Country.