

ADDRESS OF THE HON. CHIEF JUSTICE, SIR ISAAC HYATALI, T.C.
AT THE OPENING OF THE LAW TERM ON 4 OCTOBER, 1976
INTRODUCTION

We begin today the 15th Law Term of the Supreme Court of Trinidad and Tobago. It is one of historical significance. It is the first to be inaugurated under the welcome umbrella of the Republic of Trinidad and Tobago; and it is the first occasion on which the traditional religious devotions associated with the opening of the law term, had the distinguished and gracious support of Their Excellencies the President of the Republic Mr. Ellis Clarke, T.C. and its first lady, Mrs. Ermytrude Clarke.

INAUGURATION OF THE REPUBLIC

We are most grateful to them. It is fitting that our President should have honoured us with his presence at these devotions, since by virtue of the Proclamation which he made on 26 July 1976, as our last Governor General, he not only replaced Her Majesty the Queen, as Head of State and Fountain of Justice in Trinidad and Tobago on 1 August 1976, but the Judges of the Supreme Court from the date became the Judges of the Supreme Court of the Republic of Trinidad and Tobago; and were thereupon charged under the Constitution with the solemn obligation and duty of ‘bearing true faith and allegiance to the Republic, of upholding the Constitution and the law, of conscientiously, impartially and to the best of their respective knowledge, judgment and ability discharging the functions of their offices and doing right to all manner of people after the laws and usages of the Republic, without fear or favour, affection or ill will.’ (See 4th Form of Oath of First Schedule to the Constitution).

EXPRESSION OF THANKS

The inter-religious service this year at the Sacred Heart Church was, I would suggest, most impressive. It has imbued us all, I would hope, with the grace of the Almighty and a renewed commitment to the cause of justice.

Our warmest thanks are due, and we tender them sincerely to, Rev. Father Michael Hande for the excellence of the arrangements at the Church; and in particular, to the members of the choir, for their melodious and inspiring songs of praise; to His Grace the Archbishop of Port of Spain, the Most Rev. Anthony Pantin, for his stimulating sermon; to His Lordship the Bishop of Trinidad, the Rt. Rev. Clive Abdullah, for his generous blessings; to the Representatives of the Hindu and Muslim Religions, Pundit Mahadeo Sharma and Haji Raouff Ali, for their instructive readings and fulfilling prayers; to the Chairman of the Council of Evangelical Churches, Senator the Hon. Rev. Gerald Chen, for his edifying supplications; and finally, to the Commander of the Defence Force and the Commissioner of Police and their respective officers and men, for underlining the significance of this new law term, with their impressive and colourful display of ceremony, order and discipline, at the Church and at the Court.

NO RESPECTERS OF PERSONS

In consequence of certain criticisms made last year about judicial productivity and performance I felt constrained then to demonstrate how misguided those criticisms were by analysing in some detail the work completed in our Court during the triennium 1972-1974. I do not propose however to embark on such an analysis on this occasion. It would suffice for me to state that judicial performance and dedication over the last term in the High Court and the Court of Appeal have been commendable and I am most

grateful to my brothers for their hard work during that period. I tender to them not only my own personal thanks, but if I may venture to do so, the thanks of the country, for administering justice in our Courts fearlessly and conscientiously; and above all, for steadily maintaining in the discharge of their responsible and onerous duties that they are no respecters of persons.

MISCONCEPTIONS

From reports reaching me from time to time however, there is reason to suppose, that judicial decisions in recent times on the constitutional validity of statutes enacted by Parliament, at the instance of the executive, have provoked misconceptions among members of the public, Parliamentarians and even lawyers, about the role of the Judiciary as compared with that of the executive in relation to such statutes.

The question is of great public importance, since it is vital to the independence and image of the Judiciary that the public should understand the object and purpose of the judicial function on the question. Let me therefore clear the air.

THE POLICY OF STATUTES

In reference to the interpretation of statutes and the fulfilment of their policy, I gratefully borrow and adopt the learned analysis of Sir Carleton Kemp Allen set out in his monograph entitled "Law and Orders" 3rd Edn., 3 to point out and emphasise the vital difference between the two roles:

"In essence and purpose the two functions are fundamentally different and should be kept so. The most obvious distinction is that the primary purpose of the executive is to perform, while that of the judiciary is to interpret. However great a margin may be left for discretion and initiative, the executive works within set limits and has, as the law of its being, the attainment of a prescribed and specific end, which is itself usually part of a continuous policy. The Judge has no end to serve except the impartial dispensation of

justice; the effect of his decision upon policy or administration, while it may be a legitimate factor for him to consider, can never outweigh the clear demands of justice. He is, indeed, not concerned immediately with policy at all, but with the rights and wrongs of the dispute of which he is seised. There is such a thing as the ‘policy of the law’, and there is a famous unruly horse called public policy, which reflects in the mind and experience of the judge the prevailing standard or mores in the community, and which plays an important part in many branches of the law. There is, further, the ‘policy’ of a “statute (once know more broadly as the ‘equity’ of a statute) – a more difficult matter in which, unfortunately, our judicial technique is not uniform. All that need be said about it here is, that it is perfectly proper for the judge, in construing a part of an Act, to fit it into the general legislative pattern – to interpret the part in the light of the aim or ‘intendment’ of the whole: to try, in other words, to determine and to fulfil the main purpose of the legislator and not to defeat it by a narrow construction of isolated words and phrases. To that extent the judge is, or should be, an instrument to effect governmental policy, whatever his own views about that policy may be. But none of these aspects of the judicial office affects the general principle that the essential function of adjudication is to decide according to law between conflicting contentions. The good judge will do his best to avoid hardship or public inconvenience, but if his decision inevitably involves embarrassment of administrative policy, he is an unjust judge if he shrinks from that consequence. Again, it is implicit in the function of the judge as interpreter that he is not confined within any prescribed limits, but is a wholly free agent in the performance of his office. The only boundaries which limit him are those of the law itself, but he alone decides what they are, and although he is said to be ‘bound’ by authority, nothing can take from him the responsibility of determining for himself whether, why and how far he is ‘bound’. Thus, unlike the executive functionary, he imposes his own fetters upon himself, and this is of the very substance of his office.”

VALIDITY OF STATUTES

And in reference to the Court’s function in considering the constitutional validity of statutes it is only necessary to say that the principle which it applies was authoritatively enunciated in *Osborne v Commonwealth* (1911) 12 C.L.R. 321 in these terms:

“No doubt if the Court is convinced that there has been a violation of the constitutional prohibition, it must give effect to the organic law regardless of the consequences.”

Lord Mansfield struck the right note in the case of John Wilkes 19 How. St. Tr. 1112. His enunciation of the principle under consideration, duly adapted for present purposes, was as follows:

“The Constitution does not allow reasons of State to influence our judgments: God forbid it should. We must not regard political consequences how formidable soever they might be: if rebellion was the certain consequence, we are bound to say ‘Fiat justitia ruat coelum’. The Constitution trusts the Executive with reasons of State and policy. They may stop prosecutions and pardon offences; it is theirs to judge whether the law or the criminals should yield. The judges have no election.”

DELAYED JUSTICE

A combination of several factors continue to frustrate the sustained efforts of our Courts to improve the efficiency of the machinery of justice and to minimise delays in its due administration.

Civil causes, in which term I include writs, applications, motions, summonses and matrimonial petitions, are being filed in the Registries of Port-of-Spain and San Fernando at the astonishing rate of 80 per day; while on the criminal side, murder cases alone, that is, those committed to stand and awaiting trial at the Assizes amount to 36 in Port- of – Spain and 42 in San Fernando. Civil actions awaiting trial in Port-of-Spain number 715 while those in San Fernando stand at 427.

HASTY JUSTICE

While it is essential to remember that delayed justice is a denial of justice, it is equally essential not to forget the maxim that “hasty justice is the step-mother of misfortune”. (Festinatio justitiae est noverca infortunii). Consequently, a mere allocation of court time

to a party or an accused is of no value if he is not given a fair opportunity of getting his tackle in order for the purpose of being able to present his case in the fullest sense. See in this connexion R v Thames Magistrates Court ex parte Polemis (1974) 2 All E.R. 1229, 1223 per Lord Widgery.C.J.

URGENT NEEDS

In these circumstances, it is quite impossible for the Court with its present complements of Judges, and its limited court space, staff and machinery to cope with the stupendous work load with which it is burdened. Our urgent needs are many, and I should like to take the opportunity today of listing the more pressing of them. These are (1) the introduction of County Courts to relieve the intolerable pressures on the High Court; (2) the appointment of at least two more High Court Judges; (3) the provision of two additional courts and chambers in the Red House; (4) a larger Registry and more vault space to ensure the security of records and documents; (5) better accommodation for legal practitioners, litigants, and jurors; (6) an improved supply of books in our libraries; (7) better accommodation for authorised users of the library; (8) a better system of law reporting; (9) re-writing, revision and consolidating the laws of the country; (10) fundamental and long overdue reforms of the law in several vital areas which I need not specify here; and (11) a strong, united and respected legal profession to define and pursue its true role in the newly born Republic of Trinidad and Tobago.

HOPE FOR EARLY RELIEF

As head of the Judiciary I shall continue to exert my best energies to secure the early fulfilment of these needs and with the continued cooperation and goodwill of my brother Judges, members of the Bar and the well-established and respected Law Society I feel

confident that we could now expect early relief in all these areas, and more particularly because, we have been authoritatively assured that money, which used to be a problem in the past, is no longer a problem today.

THE NEW CONSTITUTION

The Constitution of the Republic of Trinidad and Tobago has not only re-enacted and entrenched all the Magisterial rights and freedoms contained to the former Constitution but has provided, inter alia, for the appointment of a Director of Public Prosecutions, an Ombudsman, a Salaries Review Commission, a Judicial and Legal Service Commission and the retention of the Privy Council both as the final Court of Appeal and the final arbiter in proceedings commenced for the dismissal of a Judge. The Judges of the Supreme Court heartily welcome these provisions.

They are clearly designed to ensure fair and impartial prosecutions; the due investigation and settlement of grievances and complaints against bureaucratic acts or omissions; the removal of extraneous influence in the appointment of persons to the bench of the Supreme Court and of the Magistracy; the fixing of adequate and proper salaries and terms of service for Judges; and freedom from the fear of local prejudice (inevitable in a small society such as ours) in the consideration of the question (if it should every arise) whether a Judge ought to be dismissed from his office.

A NEW MODEL PRIVY COUNCIL

The official announcement that the Privy Council was retained, pending the establishment of a Caribbean Court of Appeal, raises the question whether such a court will ever see the light of day. I still believe, as I stated to you in my opening of term address in 1973, that its establishment in the foreseeable future is somewhat remote. I

therefore renew the proposal I made then to the legal profession, the Judiciary and the Executive, here and in other Caribbean territories, that pending the establishment of the proposed Caribbean Court of Appeal the Judicial Committee should be:

- (a) expanded to include within its ranks, distinguished judges and jurists of Caribbean countries and possibly of other Commonwealth countries elsewhere;
- (b) converted into an itinerant court sitting at appointed times in at least three centres in the Caribbean.

ABOLITION OF FREE JUDICIAL SERVICE

Further, that the judicial services rendered by the Privy Council should no longer be free. Instead, the countries from which an appeal lies to the Privy Council should pay an appropriate portion of the expenses necessary, to retain those services; and that appeals should be heard by not less than three or five judges, at least two of whom (if it is a court of three judges) or three of whom (if it is a court of five judges) should be selected from among judges or jurists or both from Caribbean countries or territories.

INTENTION OF PROPOSAL

The intention of this proposal as I stated then and repeat now is:

“to seek to establish what I might describe as a new model Privy Council – a transitional final court if you like – in which the experience and wisdom of distinguished British judges will be married to those of distinguished Judges and Jurists of the Caribbean countries for the purpose of providing a respected and impartial court of merit, authority and distinction, in an area, which not only has a rich common law background, but which is seeking to win wider recognition of the merits of its judicial officers and jurists, in territories outside and beyond the Caribbean.”

LIMITS OF JURISDICTION EXERCISED BY THE PRIVY COUNCIL

I should also like to repeat here what I said in my address to the Council of the Organisation of Commonwealth Caribbean Bar Associations on 29 September 1974:

“if we decide on retaining the Privy Council as a final court, as I hope we will do, it is essential to remodel it for the purpose of making it a more useful and effective court. To emphasize my point it is only necessary to quote from the case of *Nawaz v The King Emperor* (1948) 68 T.A. at pp. 127-128 in which Lord Simon said this:

‘The Judicial Committee is not a revising Court of Criminal Appeal, that is to say, it is not prepared, or required, to re-try a criminal case, and does not concern itself with the weight of evidence, or the conflict of evidence, or with inferences drawn from evidence, or with questions as to corroboration or contradiction of testimony or whether there was sufficient evidence to satisfy the burden of proof. Neither is it concerned to review the exercise by the previous tribunal of its discretion as to permitting cross-examination of a witness as hostile or in awarding particular punishments... Broadly speaking, the Judicial Committee will only interfere where there has been an infringement of the essential principles of justice. An obvious example would be a conviction following a trial where it could be seriously contended that there was a refusal to hear the case of the accused or whether the trial took place in his absence, or where he was not allowed to call relevant witnesses. Similarly, of course, if the tribunal was shown to have been corrupt or not properly constituted, or incapable of understanding the proceedings because of the language in which the proceedings were conducted. Another and obvious example would arise if the Court had no jurisdiction to try the crime or to pass sentence.’

The next point to bear in mind is that, the establishment of a Caribbean Court of Appeal, whether we like it or not, is at best a very remote possibility so far as one is able to see in the future. In any event if and when it is established it will for all practical purposes be, as the Privy Council now is in the eyes of the politicians, an alien court for every independent nation in the Commonwealth Caribbean. To abolish appeals to the Privy Council and to substitute no Court in its place is, in my view, a foolhardy step to take. And I so assert notwithstanding the confidence which West Indian Judges have in themselves and notwithstanding the politicians’ desire for sentimental reasons (it cannot be put higher than that) to remove their countries from the source and fountain of the common law on which our jurisprudence and ideas of justice are founded.

The third point to remember is that, there is not likely to be much opposition in England to the idea of a new model Privy Council which is supported financially by the countries of the Commonwealth Caribbean. And if this can be agreed, the embarrassment which we now feel for obtaining a free legal service will completely disappear and the misgivings which the British Government has for providing such a service will no longer exist.

“The last point to consider is that, if my proposals find favour with all concerned it will open up for all distinguished jurists in the Caribbean, whether he is of the Bar or of the Bench, unique opportunities to serve the administration of justice and to win international recognition of their contributions to the development and expansion of the Common Law.”

THE NEW RULES OF THE SUPREME COURT

The Rules of the Supreme Court 1976 became operative on 2nd January 1976. Their promulgation with effect from that date was the outcome of hard and dedicated work, first, by the Ad Hoc Rules Committee under the chairmanship of Mr. Justice Malone as he then was, and ultimately by the Rules Committee established under s.77 of the Supreme Court of Judicature Act 1962. They replaced the Rules of the Supreme Court of 1946 and are available to all practitioners at a modest price having regard to the cost of printing today.

REORGANISATION OF CIVIL LISTS

Now that lawyers have had sufficient time to familiarise themselves with these Rules I give notice that as from January 1977 the system of listing cases, classifying them, fixing dates of trial and disposing of them will be completely reorganised. Directions to that effect will be issued under Order 32 r.21 but only after there has been full consultation thereon with representatives of the legal profession. It is hoped by this new system to avoid the tremendous waste of judicial time which so often occurs under the present arrangements.

KEEPING RULES UP TO DATE

I am happy to state that steps have been taken to keep the Rules up to date. I appeal to practitioners to bring to the attention of the Rules Committee any errors or omissions

which they discover in these Rules and to suggest any amendments which they consider desirable. Aided by the continued interest and cooperation of the practising members of the profession and the initiative of the Rules Committee, it is confidently expected that the Rules of the Supreme Court 1976 will not suffer the same fate as the Supreme Court Rules of 1946.

RENEWAL OF ACTIVITIES OF STANDING COMMITTEE

In consequence of representations made to me I have decided to revive the activities of the Standing Committee of the 1973 Law Conference. These activities were suspended for the whole of last year because it was felt, I was told, that they were inhibiting efforts to procure unity among members of the Bar. I was surprised at the allegation but it is now manifest that it had no foundation.

LAW SEMINAR

I propose therefore to reconstitute the Committee and to obtain its concurrence for holding a Law Seminar before the close of the Easter vacation or the Long Vacation to consider, inter alia, (a) the New Constitution with special reference to Chapter 1 – the Recognition and Protection of Fundamental Human Rights and Freedoms; Chapter 2 – Citizenship; and Chapter 6 – The Director of Public Prosecutions and the Ombudsman; and Chapter 7 - the Judicature; (b) Subjects for Law Reform (c) The Role of the Lawyer in the Republic of Trinidad and Tobago; (d) The Motor Car and the Law; and (e) The future development of the Common Law in the Republic. Lawyers will be duly advised of developments in that regard.

FORMS OF DRESS AND ADDRESS IN THE SUPREME COURT

I now turn to forms of dress and address in the Supreme Court. May I first of all repeat today what I have stated in previous years. (1) These are matters within the exclusive jurisdiction of the Judges of the Supreme Court and are not subject to the directions or control of anyone else; and (2) Our courts are not a market place and any attempt made to derogate from the dignity and solemnity of its proceedings will be firmly resisted.

DECISION OF THE JUDGES

The Judges of the Supreme Court have taken no decision to change the forms of dress or address either in the High Court or the Court of Appeal. Consequently, (1) wigs and robes must be worn in Court by barristers unless they are exempted for special reasons from so doing; and (2) a Judge in Court is to be addressed as “Your Lordship” or “My Lord” and in correspondence as “The Honourable Mr. Justice” followed by “Sir” or “Dear Sir”.

DECISION OF THE CHIEF JUSTICE

And contrary to what is being propagated in the news media I wish it to be known that no one has requested me to relinquish nor have I relinquished the knighthood conferred on me by Her Majesty the Queen. Nor do I propose to make any request to Her to permit me to do so. My decision is based on at least three reasons: (a) the Republic of Trinidad and Tobago is a Republic within the Commonwealth of Nations of which Her Majesty the Queen is the Head; (b) Her Majesty’s Privy Council continues to be the final Court of Appeal for our Republic; and (c) there exists a real and continuing likelihood of frequent communication and personal contact between myself as Chief Justice and her Majesty’s Judges in the United Kingdom including the Head of its Judiciary the Lord High

Chancellor of Britain. There are other equally good reasons which I do not consider necessary to set out here.

THE MAGISTRATES

In my address last year I regretted that time did not permit me to refer to the sustained and excellent work which magistrates perform in the country. It would be unpardonable therefore if I repeated that omission this year.

There is a tendency in the country to belittle the responsibility which the magistrates of the country undertake and which they discharge with credit to themselves and to the country as a whole.

They are a most dedicated group of judicial officers. They decide 98% of the cases in the country and without recourse in most of them to a higher court. They are the ones who present the first image of justice to the common man. They have more impact on the life of the ordinary citizens than all the judges of the Supreme Court put together. And even though they work under highly unsatisfactory conditions they bear their multifarious burdens with equanimity and discharge their functions with efficiency and alacrity. Let us look for a moment at their performance throughout the country. The figures are as follows for 1974 and 1975.

	<u>1974</u>		<u>1975</u>	
	No. of Cases Filed	No. of Cases Determined	No. of Cases Filed	No. of Cases Determined
St. George West, Port-of-Spain	23,874	17,915	25,083	22,398
Chaguanas	5,028	4,542	6,395	4,109
Couva	2,815	2,681	3,658	2,799
San Fernando	11,574	9,640	12,062	10,286
Princes Town & Moruga	3,175	2,684	3,660	2,570
Siparia	4,879	2,776	4,894	3,746
La Brea and Cedros	1,895	1,514	1,953	1,959
Tunapuna	3,534	2,912	4,273	2,624
Carry forward	56,774	44,664	61,982	50,521

		<u>1974</u>		<u>1975</u>
	No. of Cases filed	No. of Cases Determined	No. of Cases Filed	No. of Cases determined
Brought forward	56,774	44,664	61,982	50,521
Arima	4,672	1,512	4,386	3,903
Sangre Grande	3,235	3,476	3,798	3,868
Tobago	3,573	1,649	2,955	2,339
TOTAL	68,254	51,301	73,121	60,631

These figures tell a remarkable story. They present a picture that could well be described as both astounding and incredible and it is with a deep sense of satisfaction I commend our Magistrates heartily for their superb performance and their unswerving dedication to duty.

If we are to succeed in maintaining in our country the image of the law, the dignity of the administration of justice, and the independence of our magistrates, judicially, economically and otherwise, then it is essential for urgent steps to be taken to redress the long standing grievances of these highly deserving officers. The steps to be taken towards that end should include (a) their removal from the public service and full absorption in the judicial service (b) the early implementation of such conditions of service as will guarantee them financial and intellectual independence at all times; and (c) releasing them from the horror of dispensing justice in buildings that are not only cramped, congested and uncomfortable but which are attended by the din, throng and odour of a market-place. Keeping the magistrates tied to their present conditions of service, and requiring them to dispense justice in the surroundings in which they now do, are a reproach to the new Republic of Trinidad and Tobago; and it is devoutly to be hoped that the machinery which has been set in motion to remedy the ills in the magistracy, will not be obstructed by certain bureaucrats who appear, I regret to say, to derive great pleasure and satisfaction in opposing all measures for the improvement and enhancement of the lot of judicial officers and the system which they administer for the benefit of the entire country.

On Friday last, a bill was presented to the House to establish a legal service. The former Attorney General undertook at a discussion he had with myself, and representatives of the Magistracy, to present a case to the Government for establishing a magisterial service along lines similar to that of the legal service.

The magistrates would welcome this and so would I in my capacity as Head of the Judiciary. The new Attorney General has expressed to me his sympathy with the proposal and I trust that he will see his way clear in the very near future to secure the necessary approval for the establishment of such a service.

THE BENCH AND BAR

turn now to say a few words about the relationship between Bench and Bar. By and large it has been most cordial, and my first words therefore on behalf of my brethren must be, words of thanks to the members of the legal profession, for the courtesy and cooperation extended to members of the Bench.

TO ERR IS HUMAN

But it must be recognised that Judges like lawyers are only human. We are not infallible, we do err sometimes. Very little therefore is achieved by smearing each other even though we do so behind each other's backs.

MUTUAL DEPENDENCE

Our complete dependence on each other is indispensable to the due administration of justice. Mutual courtesy, respect, tolerance, and cooperation must never cease therefore to leaven the relations between Bar and Bench and retain them in a state of harmony.

Judges are as much a part of you as you are a part of us. It is the profession which supplies the material for the Bench; and it is the Bench that stimulates and develops talent at the Bar.

QUALITY OF BENCH AND BAR

Just as the quality of the Bench is dependent upon the quality of the Bar, so is the quality of the Bar dependent on the quality of the Bench. Let us not therefore delude ourselves. We cannot exist without each other nor could we achieve the true goals of justice without the goodwill, cooperation and support of each other.

A strong, learned and untouchable Bench can only be forged and sustained by a strong, learned, independent and untouchable Bar.

LAW MADE BY THE BAR MORE THAN BENCH

The famous question and answer of the great American jurist Oliver Wendell Holmes may be recalled here with advantage:

“Shall I ask”, he said, “What a Court would be unaided?” He answered his own question thus:

“The law is made by the Bar even more than by the Bench”.

Sir Hartley Shawcross, a former Attorney General of England emphasized the same point when he said to an assembly of French Lawyers in the 40’s:

“The Bar cannot afford to stint its support to the Bench, for in a real sense the judgments are written by judges but the law is made by lawyers.”

THE DETERIORATION OF STANDARDS

I have thought it necessary to express a few thoughts on this question because from recent reports reaching me it would appear that there has been some deterioration in

standards both in the Magistrates' Court and Supreme Court. This is unfortunate, and now that I have brought it to your attention it is my fond hope that all members of the profession will join with the Bench in improving and maintaining the high standards of deportment which are essential to the due and dignified administration of justice in all our Courts.

ATTACHMENT TO LAW AND JUSTICE

It is an incontestable truth that the attachment of our people to law and justice, constitutes the foundation of our society and the relaxed and uninhibited postures in life, which our citizens assume within its boundaries. It is one of the better virtues of our people, and undoubtedly, the cornerstone of our young democracy. It is therefore, one of our country's priceless possessions.

A TENDER PLANT

But this fledgling democracy in which, mercifully, we peacefully live, is, to borrow a phrase from the reflections of a Canadian Senator, a tender plant. It needs careful tending. If it is abused, it will die. It does not go on forever, automatically providing shade and comfort to all who need it. It needs to be protected and nurtured by those whose duty it is to enact just and valid laws, for peace, order and good government; by those whose obligation it is to respect these laws; and by those whose duty it is to enforce such laws.

NO FREEDOM WITHOUT LAW

It is true, that every law restricts freedom and that an excess of law destroys freedom; but it is equally true and must never be forgotten that without law there can be no freedom. So while social attitudes, public morals, and traditional philosophies are undergoing

change, let us not as the worthy beneficiaries of our country's priceless possession, yield, as others elsewhere are yielding to the temptation of casting it aside, for the sake of fashion or passing popularity.

ROLE OF LAWYERS

What then is the role of lawyers in this respect, in our newly born Republic? It is as vital as it is clear. It is to discharge without equivocation, the obligation which citizens expect of them and which their training have imposed on them, of formulating sound public opinion. It is a role of enormous responsibility, since the strength of public opinion, which is the ruling power in every democracy, is made or weakened by the opinion of lawyers, as our history over the past two decades in particular, have repeatedly demonstrated.

CONGRATULATIONS

Before concluding my address I should like firstly, on behalf of my brothers and myself, and if I may, on your own behalf to offer our warmest congratulations to our new Attorney General and Minister for Legal Affairs, the Honourable Senator Selwyn Richardson, and to assure him of our cooperation and goodwill at all times.

I am aware and it is right that it should be disclosed to the legal profession and the public, that he yielded to the call to serve his country with much reluctance. It was a reluctance founded on a nagging feeling that he was too young in his profession to fill such a high office; and on the realisation that he would have of necessity to relinquish his bright prospects at the Bar and the income of which they assured him. But, now that the die is cast, I feel confident that he will discharge his responsibilities with success and distinction. His appointment to this office is a tribute to the youth of the country and both

from his record at the Bar and before the Courts there is good reason to believe that he will fully vindicate the trust reposed in him.

THE U.S. SUPREME COURT REPORTS

Secondly, I should like to take this opportunity to inform members of the legal profession that the library of the Court of Appeal has been enriched by an invaluable set of the U.S. Supreme Court Reports. It was a gift presented to me on 16 September 1976 by Mr. J.P. Schmalz, Group Vice-President of Tesoro Petroleum Corporation of San Antonio, Texas and Managing Director of Trinidad Tesoro. What he stated then would bear repetition:

“It is fitting and timely,” he said, “that the donation of these law reports should coincide with the enactment of a new Constitution in Trinidad and Tobago. Like the U.S. Constitution, your Constitution stresses fundamental rights and freedoms, and re-affirms that the Rule of Law is supreme in Trinidad and Tobago. Our two nations would agree to a statement of T.B. Macaulay, over a century ago that: ‘A good Constitution is infinitely better than the best despot’.”

A complete set of these Reports is virtually unobtainable today in the market, and its true value therefore cannot be assessed in terms of money. It was Mr. Bernard Primus who instilled in Mr. Schmalz’ head, the idea of a gift to the Court to coincide with the current bicentennial celebrations of the U.S.A.; and it was Mr. Schmalz who immediately thereafter set his high powered machinery in motion to secure these Reports and make the gift possible. We appreciate this gift immensely. We offer our warmest thanks to Mr. Primus and in particular to Mr. Schmalz and the Tesoro Petroleum Corporation. Recently in New York I tendered personally to Dr. West, the worthy President of the Corporation our sincere thanks for these Reports and it is with much pleasure that I place on record today that this was done.

TRIBUTE TO MR. JUSTICE HERCULES

It is with much pleasure too that we welcome on the Bench with us a distinguished son of the soil The Hon. Mr. Justice Hercules, a Judge of the Court of Appeal of Jamaica. He is now back in his country on pre-retirement leave. “We welcome him home, congratulate him on his noteworthy performance as a judge in Jamaica and commend him for having been a worthy judicial ambassador of Trinidad and Tobago in Jamaica. We wish him and his dear spouse, Mrs. Enid Hercules, much happiness in their retirement from the judicial area.

CONCLUSION

I now declare the term open and adjourn the sittings of the High Court to 9.00 a.m. and the Court of Appeal to 9.30 a.m. tomorrow, 5th October 1976; and on behalf of my brothers and myself I wish all members of the legal profession for the next twelve months a highly rewarding, stimulating and successful practice in all the Courts of the country.