ADDRESS OF THE HON. CHIEF JUSTICE, SIR ISAAC HYATALI, T.C.

AT THE OPENING OF THE LAW TERM ON 3 OCTOBER, 1977

INTRODUCTION

INAUGURATION OF INTER-RELIGIOUS SERVICE

It was on 3 October 1973 that the opening of the Law Term was preceded for the first time by an inter-religious services at the Holy Trinity Cathedral.

The person at whose suggestion such a service was introduced was then the President of the Inter-Religious Organisation.

It was an innovation which received a warm welcome from the Judicial and Legal Fraternities and members of the public and, in the result, such a service has been adhered to ever since, to invoke at the opening of every new law year, the blessings of the Almighty on our united endeavours, to serve the cause of justice in our Country.

It is indeed a happy coincidence, that the author of that suggestion actually took part in the service today as Acting President of our Republic which happily, it might be noted, continues to give practical effect to the principle enshrined both in our National Anthem and Constitution that, “here every creed and race find an equal place.”

THANKS TO HIS EXCELLENCY

His Excellency, Dr. Wahid Ali, acting President of Trinidad and Tobago, made this occasion a memorable and noteworthy one for us all, and I should like on your behalf and on behalf of my brothers and myself, to thank him for his participation in our devotions this morning and, more especially, for his impressive delivery of the divine message contained in the text selected from the Old Testament.

REES, J

Adding to the noteworthiness of the occasion, was the inimitable presentation of the second lesson to the congregation by my learned brother, Rees, J.

In fact, that presentation could well be regarded as his farewell scriptural message from the pulpit as a Judge, since he has been honoured with the distinction of being the first Ombudsman of our Country, and will be assuming the functions of that office upon his retirement from the Bench shortly. Accordingly, he will not be with us in his customary place at the opening of the next law term in 1978.

I am sure that you will all wish to join with us, his brothers on the Bench, in congratulating him on his preferment, and in wishing him every success in meeting the challenges of that responsible office. But it is not necessary for me to say more at this stage, as there will be ample opportunities for us all in due course to elaborate upon these sentiments.

THE CHIEF MAGISTRATE

From the learned Chief Magistrate, Mr. Roland Crawford, we had, not a farewell reading, but an inaugural one. He undoubtedly added his own lustre to the occasion, and to the thanks we offer him for his part in the service, we add our congratulations on his promotion and our best wishes for his success in the performance of the duties of a very important judicial office of our Country.

INTEGRITY OF MAGISTRATES

Mr. Crawford has assumed this office against a flood of criticisms directed in recent months against the integrity of magistrates, despite the absence of any finding in the Report of the Commissioner who enquired into the operations of the St. George West Magistracy, against the integrity of any magistrate, and moreover his unequivocal declaration thereafter that he did not make any finding that any magistrate was corrupt.

But alas! the flood that sought to stain the general integrity of all magistrates, was created unwarrantably by some of the news agencies which, regrettably, provided us with yet another example of the mendax infamia, in which some of their columnists and reporters indulge, to serve their private ends and purposes.

REACTION TO PRESS CRITICISMS

I would merely remind the Chief Magistrate and this brother Magistrates however, as I did in my 1975 Address, that tradition, and I would add judicial ethics and a sense of propriety, do not permit judicial officers to reply to criticisms in the Press or to write letters of explanation. Their reaction to such criticisms must follow the path, which that great Chief Justice Lord Mansfied pursued. I quoted his famous pronouncement in my Address to you in 1975, but it would be useful I think, to repeat it for the benefit of those who missed or do not recall it. He said:

> "I will do my duty unawed. What am I to fear? That mendax infamia from the Press which daily coins false facts and false motives? The lies of calumny carry no terror to me. I trust that my temper of mind, and the colour and conduct of my life have given me a suit of armour against those arrows."

On the other hand, I am bound to say that the path of criticism is a public way: and that the wrong headed are permitted to err therein, as was said by Lord Atkin in Ambard v Attorney General for Trinidad and Tobago (1936) A.C. 322,335. Indeed, criticism is healthy for the Judiciary, and its members neither fear it nor resent it. It is important to preserve the right to comment upon all matters of public interest including the administration of justice. As Lord Denning, M.R. put it in Metropolitan Police Commissioner, Ex parte Blackburn (No.2)(1968) 2 Q.B. 150, 155:

> "We do not fear criticism, nor do we resent it. For there is something far more important at stake. It is no less than freedom of speech itself.
>
> It is the right of every man, in Parliament or out of it, in the Press or over the broadcast, to make fair comment, even outspoken comment on matters of public interest. Those

> who comment can deal faithfully with all that is done in a court of justice. They can say that we are mistaken, and our decisions erroneous, whether they are subject to appeal or not. All we would ask is that those who criticise us will remember that, from the nature of our office, we cannot reply to their criticisms. We cannot enter into public controversy. Still less into political controversy. We must rely on our conduct itself to be its own vindication."

NATURAL JUSTICE

It was said in the Report of the Donoughmore Committee of 1932 (Cmd. 4060 of 1932), that although the principles of natural justice were not defined and recognised rules of law, it was beyond doubt that there are certain canons of judicial conduct, to which all tribunals and persons who have to give judicial or quasi-judicial decisions ought to conform. Those canons, they said, rested on principles which were implicit in the rule of law, and their observance was demanded by a sense of fairness and justice.

It was out of deference to those canons of judicial conduct, that Fortescue, J. said in the famous case of R v Cambridge University (1723) 1 Strange's Report 557, in which mandamus was issued to restore Dr. Bentley's academic degrees, that:

> "The laws of God and man both give the party an opportunity to make his defence."

And he vindicated the principle by pointing out, that God did not pass sentence upon either Adam or Eve before calling upon them to make their defence; and as to the serpent, he said, there was no point in observing that principle, as the serpent could not explain.

OPENNESS, FAIRNESS, IMPARTIALITY

Founded as they are on openness, fairness and impartiality, (See Report of the Franks Committee (Cmd. 218 of 1957) the rules of natural justice are now firmly established in our system of justice. In the words of Lord Morris of Borth-Y-Gest, taken from his address before the Bentham Club in 1973, "the authorities, which are milestones upon the road giving full prominence to all these principles, were reviewed in the memorable case of Ridge v Baldwin (1964) A.C.40". These principles have become so fundamental in

our legal system, that any judicial or quasi-judicial decision reached in breach of them will invariably be set aside as void.

RIGHT TO BE HEARD

The right of a person to be heard, in situations where his liberty, property or rights are likely to be affected, is one of the fundamental principles of natural justice. It entitles him to know what he needs to be heard about. He must know the case he has to meet. Consequently, he must be told what the particular allegation is against him, he must be given an opportunity to confront the author of that allegation, and he must be heard in his defence. These are essential prerequisites, to the making of a judicial or quasi-judicial decision or finding against him.

ENQUIRY INTO WIDESPREAD DISAFFECTION

With these principles in mind, I refer to the Report of the Enquiry into alleged widespread disaffection among Magistrates, in which, inter alia, a former Chief Magistrate who is now a Judge of the Supreme Court of the West Indies Associated States, was condemned therein for conduct of which he was not informed, and given no opportunity to explain.

That Report was published for the information of the public, and while Cabinet has not yet studied or pronounced upon the Report, the present situation is, that adverse comments on his conduct have been made in the Press, on the strength of what was said in that Report.

I hold no brief for this Judge, and I am in no position to controvert what was said in the Report. But I do feel that it is my plain duty, as Head of the Judiciary of which the Magistracy is a part, and of which he was a member during my regime, to draw attention to the fact, that the principle of natural justice that no man should be condemned unheard, was not observed in his case. In my view, the omission to do so renders the validity of the findings under reference open to question, since the proceedings of the Commission were of a judicial, or at least quasi-judicial nature.

With respect to the other Magistrates against whom adverse findings and allegations of misconduct have been made in the Report, it would suffice for me to say at this stage, that steps have been taken to bring them to the notice of the Judicial and Legal Service Commission. This is the body that is invested with power to exercise disciplinary control over Magistrates, and it would be their duty to decide whether any, and if so what, action should be taken against any of them.

MAGISTRACY ST. GEORGE WEST

I accordingly pass on the Magistracy, St. George West itself, in reference to which I consider it necessary to refer to some salient facts which have been either ignored, forgotten or treated with indifference, in the numerous comments and opinions on the Report of the Commission of Enquiry into the working of this Magistracy. The facts I am about to narrate speak for themselves, and I am accordingly content to place them on record with only one comment.

OMITTED FACTS

The Magistracy St. George West, was allegedly seething in corrupt practices for several years, prior to my appointment as Chief Justice on 14 July 1972. No one did anything about them but seven days after my appointment, Mr. Bruno as Chief Magistrate, complained to me about these practices in a memorandum dated 21 July 1972. I immediately decided to 'bell the cat' as it were, and proceeded to do so. Hence the appointment by me of the Khan Committee. This was followed by the appointment on my recommendation, of the de la Bastide Commission of Enquiry, the transfer at my request, of Karamath and Assue from the Magistracy as recommended by the Khan Committee, the transfer on my instructions of Senior Magistrate Roopchand as he then was, to the Eastern Counties, the implementations on my directions of proposals recommended in the Khan Report, and the execution of certain ad hoc measures suggested to me by the Commissioner during the course of his inquiry, to frustrate the operations of the "sons of Belial" in the Magistracy. In the event, corrupt practices therein were brought well under control by the end of 1972, and when the Report was

delivered in May 1973, they had not only been eliminated, but effective methods had been introduced to guard against their recurrence.

I emphasize this to remove the false impression created, that nothing was done to stop corrupt practices in the Magistracy before the Report was published earlier this year. Nothing is further from the truth. Let me remind you of the facts as I stated and recorded them in my 1973 opening of term Address. I said then:

> "I am happier still to report that the implementation of interim recommendations made orally to me by de la Bastide, J., in the course of his Enquiry resulted not only in the eradication of the flourishing market in Court documents of which I spoke last year, but in a substantial improvement in the efficiency of this Magistracy and the integrity of its operations at administrative and judicial levels.
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> The credit for the swift and successful execution of the proposals which achieved these heartening results belongs to Ag. Senior Magistrate Nazruddean Khan and it is now to be hoped that constant vigilance in the future on the part of those officers whose duties require them to furnish it, will provide adequate and effective insurance against a repetition of the dishonest practices which had undermined the foundations of justice in this Magistracy."

WITHDRAWAL OF REGISNATION

Following the notification to Mr. Roopchand of his transfer, he resigned in protest. He was however allowed to withdraw his resignation thereafter, in consequence of the representations made on his behalf by a powerful delegation of Barristers and Solicitors, led by the then Presidents of the Bar Association and the Law Society, who expressed on behalf of the delegation, their confidence in Mr. Roopchand. He was nevertheless required to take up duties in the Eastern Counties as, among other things, he and the Chief Magistrate were not on speaking terms and communicated with each other only in writing.

APPOINTMENT OF MR. ROOPCHAND

Mr. Roopchand remained in the Eastern Counties until he was transferred to St. George West, following Mr. Bruno's departure on leave prior to his retirement. Mr. Roopchand was then appointed to act and thereafter appointed Chief Magistrate by the Judicial and Legal Service Commission; but this was only after, as the record placed before Parliament shows, he gave an explanation of the criticisms made in the Report against him, which the Commission considered satisfactory and acceptable.

In his explanation he complained, that he was not given an opportunity to confront the person who gave evidence against him, and "no opportunity to establish, that their motives were corrupt or biased, and that their statements, in so far as they related to [him], were not founded on fact."

The Judicial and Legal Service Commission found there was merit in his complaint, and that it had the effect of "depreciating considerably, if not entirely, the value of the findings against him on [that] particular subject."

THE TRAGEDY ABOUT THE REPORT ON ST. GEORGE WEST

The real tragedy about the de la Bastide Report is, that the Attorney General's Department into whose possession it came soon after its presentation to the Governor General on 10 May 1973, slept on it thereafter for five years and failed in the event, to instruct the Police promptly, to investigate the allegations contained therein, to collect evidence fit to be presented to a court of law in support thereof, and thereafter to lay charges against the culprits who had converted the seat of justice in the Magistracy into a den of fraud and corruption. In this connexion, it must be observed that an Attorney General in our democracy is under no obligation to take directions from the Cabinet to charge or prosecute offenders. On the contrary, his obligation and indeed his duty, is to do so in obedience to his own independent judgment. This is what respect for the rule of law in our society is about and this is what it expects and demands.

Protests against lack of action on the Report from both Mr. de la Bastide and myself on more than one occasion to the immediate predecessor of the present Attorney General, met with no response. I was therefore surprised to read the suggestion made in a public statement attributed to this predecessor, that it was the responsibility of the Chief Justice as Head of the Judiciary to take such action on the Report as was necessary. If that suggestion was in fact made, then I must say with respect, that it was a preposterous suggestion, since it is well known that it is not the function of the Chief Justice to investigate the commission of crimes, but to adjudicate upon them. Still less, is it any part of his function to charge and prosecute persons who offend against the criminal law.

ESCAPE OF OFFENDERS

In my view, the citizens of this Country have perfectly good grounds to feel horrified over the default which nullified the results of Mr. de la Bastide's unenviable but remarkably successful task, and which enabled the perpetrators of shocking offences in this Magistracy, to escape detection and punishment. In sharing their horror, I wish to make it abundantly clear, that their escape was due solely to the fact, that no attempt was made to take action on the information and allegations contained in the Report until the present Attorney General assumed his office some five years after its presentation. By then, as was to be expected, all the birds had flown.

THREAT TO THE MACHINERY OF JUSTICE

The incidence of crimes and civil litigation in the Country continues to soar and, in consequence thereof, the arrears and the congestion in the civil and criminal lists pose a serious threat to the machinery of justice in the High Court.

Let me illustrate that statement with some figures supplied by the Registrar.

In 1940 when there were 3 courts and 4 Judges 1499 matters were filed.

In 1960 when there were 8 courts and 9 Judges 4351 matters were filed.

In 1970 when there were 10 courts and 10 Judges 6360 matters were filed.

In 1976 when there were 10 courts and 10 Judges 8884 matters were filed.

These figures tell an astounding story. The 1976 figure represents an increase of some 75% on the 1970 figure, of more than 100% on the 1960 figure and some 600% on the

1940 figure. But from the corresponding increases noted in the number of courts and judges since 1940, one could hardly say that they have kept pace with the enormous growth in the incidence of litigation.

At the present moment, civil actions ready and awaiting trial on the general list number 1165 as against 715 in the previous year; and those in San Fernando stand at 479 as against 427 last year. Consequently, a grand total of 1664 cases on the Civil Calendar now await trial. When one examines these figures against 2582 matters filed in Port of Spain and 1043 filed in San Fernando, during the period October 1976 to June 1977, (a total of 3625 matters) and when one considers that at the end of July 1977, committals for indictable offences stood at 486 in Port of Spain, 271 in San Fernando and 20 in Tobago, a total of 777 cases (figures supplied by D.P.P.) it becomes impossible to avoid the conclusion that a serious crisis is facing our machinery of justice in the Country.

CONGESTION AND ITS CAUSES

The causes of the stupendous upsurge in the incidence of litigation in our Country are not hard to identify. They stem from the population explosion, the rapid growth of the economy, the rise in general prosperity, the citizen's keen appreciation and consciousness of his rights and freedoms in a free society, the enactment of liberal and progressive laws for peace, order and good government in a rapidly changing society, and I venture to suggest, the confidence of the people in our Courts of Justice, and in the independence of the Judges who sit therein to decide issues between citizen and citizen and the citizen and the State. From the people to whom I refer, I exclude of course, for obvious reasons, the unsuccessful and consequently disappointed litigant who, as we all know, never has confidence in anything and is perpetually bitter about everything.

CONGESTION IN DEMOCRACIES

The problems of Court congestion and increase in litigation are not peculiar to our society. They are a world wide phenomenon, as was amply demonstrated at the International Conference of Appellate Magistrates at Manila in January last and again at the World Peace Through Law Conference at the same venue in August last. These problems are particularly evident in developed and developing democracies, which

honour moral and spiritual values, respect the fundamental rights and freedoms of the individual, and subscribe to the rule of law. It is beyond question that the high incidence of litigation in our Country identifies us as one of these democracies.

THE MACHINERY OF JUSTICE

The task of the executive in these circumstances, and it is clearly their responsibility, is to keep the machinery of justice in working order by servicing and repairing it at regular intervals. To this end, they must not only introduce measures and effect reforms that are shown to be necessary, but take the necessary steps to provide for an adequate number of suitable courts and judges to ensure that the machinery of justice is kept properly furnished, oiled and geared to cope with the enormous demands made upon it by enlightened loyal and peaceful citizens of the Country.

PROPOSALS FOR RELIEF

I therefore repeat and emphasize my plea of last year and previous years thereto, for the early introduction of District or County Courts to relieve the intolerable pressure on the High Court and for the provision of additional courtrooms and chambers to accommodate at least two more judges in the High Court.

Despite the fact that plans are well in hand, as Mr. Attorney has assured me, for the construction of a Hall of Justice on the Lucien site in Knox Street, urgent action on my plea has become essential.

This is so, because it has to be borne in mind that he proposed Hall of Justice has not yet got off the ground, and moreover it is likely to take at least another year and a half or more to be completed after the first sod is turned.

By then the arrears and congestion will be far worse than they are today and the present crisis far more acute. The interests of peace, order and good government demand, that urgent interim measures should be put into operation now, and I urge with all the strength at my command, that my plea be favoured with early, if not immediate, response.

JUDICIAL PERFORMANCE

Judicial performance in the past year is reflected in these figures:

In the Court of Appeal

Appeals filed:	586	Determined	545
Chamber applications filed	345	Do.	313

In the High Court: Port-of-Spain

Civil Actions set down	494	Determined	192
Uncontested Divorces	-	Do.	350
Chamber Court Matters		Do.	2323

In the High Court: San Fernando

Civil Actions set down	162	Determined	76
Uncontested Divorces	-	Do.	259
Chamber Court Matters		Do.	543
		Carry/Forward	**3743**
		Brought Forward	**3743**

At the Assizes, Port-of-Spain from October 1976-Aug. 1977

Cases determined		119
At the Assizes, San Fernando	Do.	
Cases determined		69
		3931

These statistics do not include the cases heard in Tobago. By inadvertence they were not supplied to me.

THANKS TO JUDGES

Facts are stubborn things, it is said, and indeed like stubborn things, these figures speak silently but eloquently, of the hard work and dedication of the Judges of the High Court and of the Court of Appeal. It gives me great pleasure therefore, to tender to them the warmest thanks of the Country and myself for their attachment and devotion to their judicial duties over the past year.

THE WORK OF A JUDGE

There are persons in the society who misguidedly labour under the impression that the work of a judge is over for the day when he rises from Court; and there are those who also misguidedly hold the view, that the quantum and quality of Judges' salaries and conditions of service should be measured by the quantity of work done. Both those propositions are, of course, fallacious and unsound.

HOURS OF WORK

Let me take the first. As members of the legal profession know only too well, the real work of the conscientious judge does not end, but invariably begins after he rises from Court. His homework is terrific and his normal working day is not one of 4-5 hours but nearer 12 to 15 hours. With some it is nearer 18 hours as their wives will resentfully but willingly reveal.

SERVICE RENDERED BY JUDGE

With respect to the second proposition, its fallacy was exposed by the late Sir Winston Churchill, in his speech to the House of Commons in moving a Bill for raising the salaries of Judges. I can do no better than to quote and adopt it respectfully, for present purposes. He said:

> "The service rendered by a judge, demands the highest qualities of learning, training and character. These qualities are not to be measured in terms of pounds, shillings and pence according to the quantity of work done. A form of life and conduct far more severe and restricted than that of ordinary people, is required from judges and, though unwritten, has been most strictly observed. They are

> at once privileged and restricted. They have to present a continuous aspect of dignity and conduct… The Bench must be the dominant attraction to the legal profession, yet it rather hangs in the balance now, and heavily will our society pay, if it cannot command the finest characters and the best legal brains which we can produce; and heavily will our country pay… if we do not sustain those institutions for which we are renowned."
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> Quoted in 14th Report of the Law Commission of India Vol. 1 P. 142.

A TIMELY WARNING

These are words of wisdom from a great statesman. They are not only of considerable relevance to the situation in Trinidad and Tobago, but contain a timely warning to the legal profession, the Executive and the society as a whole. I earnestly trust that it will be heeded in time, for if it is not, then both the Country and the society, I am convinced, will pay heavily for the consequences of the changes that are likely to take place in the membership and composition of the Supreme Court in the course of the next four or five years.

ATTORNEY GENERAL'S ACTIVITIES

It was my pleasure last year to congratulate Mr. Selwyn Richardson on his appointment as Attorney General and Minister for Legal Affairs and to state that "his appointment to this office is a tribute to the youth of the Country", and that "both from his record at the Bar and before the Courts, there was good reason to believe that he will fully vindicate the trust reposed in him".

The belief, I am happy to say, has not been in vain. He has been good enough to furnish me with a report of things done, of things that are being done, and things to be done, by and through his Ministry, and I feel justified in saying that in the short space of one year, he has proved himself to be the most dynamic Attorney General and Minister of Legal Affairs our Country has ever had.

LEGISLATION ENACTED

Time will not permit me to present to you the whole of his report and so I shall deal with its most salient features. His anti-corruption drive is well known and needs no elaboration here. I shall therefore pass on to other matters.

Several amendments to existing legislation in respect of which changes were sought for many years have now been effected to remove from the Laws of Trinidad and Tobago, inappropriate and ineffective provisions in several areas, and to bring them in accord with present times, conditions and circumstances. Among them are:

(a) The Ombudsman Act No. 23 of 1977.

(b) The Law Reform (Miscellaneous Provisions) Act No. 50 of 1976, giving effect to the recommendations of the Law Commission, for the reform of the laws with respect to compensation for injuries arising out of accidents, definition of children, the defence of common employment, the quantification of damages, the right of the father of a child to apply to the High Court for an order of custody, the legitimation of children, and provisions for maintenance under the Affiliation Ordinance Ch.5 No.1 and the Separation and Maintenance Ordinance Ch.5 of No.15.

(c) The Married Persons Act 1976, which removes the restrictions on anticipation or alienation by a married woman, and confers the right on spouses to sue each other in tort and take criminal proceedings against each other.

(d) The Indictable Offences (Preliminary Inquiry) (Amendment) Act 1977 providing, inter alia, for the reopening of a preliminary inquiry or the holding of a fresh inquiry, where depositions have been lost or destroyed;

(e) The West Indies Shipping Act 1977

(f) The Judicial and Legal Service Act 1977, which established a Judicial and Legal Service, placed all legal officers and magistrates under the jurisdiction of the Judicial and Legal Service Commission as regards appointments, promotions, transfers and discipline, divided the Attorney General's Department into three main divisions, headed respectively by the Solicitor General, the Director of Public Prosecutions and the Chief Parliamentary Counsel, and provided for the appointment of a Permanent Secretary, who will be subject to the jurisdiction of the Public Service Commission.

REGISTRAR GENERAL'S DEPARTMENT

A matter for much rejoicing, is the reorganisation, at long last, of the Registrar General's Department, and the effective arrangements made for arresting the alarming deterioration of documents, records and registers, for the binding of thousands of deeds for 1976 and 1977 and for restoring the department to a respectable and effective records office. The binding of deeds proved to be an uphill task, but the co-operation and hard work of Mr. Leslie Weekes, the Government Printer, and his staff, have contributed immensely to the progress and success achieved so far in binding some 32,000 deeds comprising 455 volumes. Efforts are being pursued to introduce micro-filming, and when these have been completed, the quality of the service to the profession and the public will have been enormously improved.

LAW REVISION AND LAW REFORM

The Law Revision and Law Reform Programmes are now well in hand, with the recruitment of three distinguished experts from abroad, namely, Sir James Mc. Petrie, retired Chief Legislative Draftsman of the Commonwealth Office in London; Mr. F.O.C. Harris, a United Nations Expert in Legislative Drafting, Law Revision and Law Reform; and Mr. Charles Graham Perkins, a citizen of Trinidad and Tobago and a former Justice of Appeal in Jamaica.

With such an impressive array of talent behind those programmes, it is reasonable to expect that the long awaited revision of the laws of Trinidad and Tobago will be completed before we meet next year, and the many reforms for which the legal profession and other citizens have been clamouring, will begin to make a welcome appearance at last, in our statute books.

Members of the profession will be interested to know, that matters now engaging the attention of the Law Commission are, a new Interpretation Act, compensation to victims of criminal conduct, changes in the law of provocation, the redefinition of 'a false document' in the Forgery Ordinance to accord with present changes and development, the lack of power to impose fines on persons convicted of felonies at the Assizes, reforms in the law relating to Trusts and trust settlements, and Consumer Legislation. A draft bill on Copyrights has already been prepared and will soon be published for public comment.

HALL OF JUSTICE

Preliminary discussions and work have already begun with a view to expediting the construction of a Hall of Justice. Mr. Attorney has assured me that he is deeply committed to ensure that the Hall of Justice becomes a reality without any further delay. To that end, discussions, and the assessment of requirements and other facilities related to this project, have already taken place with the Senior Puisne Judge and myself, the Minister in the Ministry of Finance (Planning and Development), the Acting Chief Technical Officer, the Chief Architect of the Ministry of Finance (Planning and

Development), and the Director, Town and Country Planning. It is now confidently expected that this important and long-awaited project will soon get off the ground.

It is proposed that the Hall of Justice will accommodate –

1. The Court of Appeal, with at least two court rooms with bench accommodation in each for five judges, and the usual facilities for the Clerk of the Court, Barristers, Solicitors, Clients and the Public. Provision will also be made for Judges' Chambers, Library, Conference Rooms, Prison Cells, Registry accommodation, Administrative Secretary's Chambers and other facilities.

2. The High Court with similar provisions as those for the Court of Appeal; and

3. The Tax Appeal Board.

Facilities for parking have also been taken into consideration.

One significant feature of the proposed Hall of Justice is, that the Judges will have separate entrances to and exits from their chambers and to their respective courts, and will consequently not come in contact with anyone except themselves and perhaps authorised members of staff, for example, the Registrars. Instructions for the demolition of the Lucien building, and the clearance of that site have already been issued, so as to facilitate early implementation of work for the Hall of Justice.

THE TOBAGO JUDICIAL COMPLEX

The Tobago judicial complex, housing the Court of Appeal, the High Court (Civil and Criminal) and the Magistrates' Court, is now about seventy per centum (70%) completed.

However, the expected date of completion has been deferred from 30 October, 1977, to sometime in March or April, 1978. The principal reason for this delay can be attributed to the recent shortage of materials, including cement and transport difficulties. There has, however, been an improvement in the situation. If such improvement continues, then the new target date for completion could possibly be met. Cabinet has also approved accommodation for Judges at Government's Quarters at Signal Hill in Tobago, and work is in progress to accomplish this.

MAGISTRATES' COURTS

THE MAYARO COURT

The Mayaro Magistrates" Court is substantially completed; and work to complete the building is progressing satisfactorily. The interior design and layout of the court room has already been approved by the Chief Magistrate. It is expected that the court will be ready soon for occupation.

One significant feature of the design of the building is the separate entrances provided for the Magistrates and the Public, respectively.

TUNAPUNA COURT

As a result of destruction by fire of the Tunapuna Court, Court was temporararily held at the County Council building for a few months, but was removed to more spacious and modern facilities on the Third Floor of the National Insurance Board Building, Tunapuna, from 5 September, 1977. Plans are being drawn to rebuild a permanent structure, and this is being given some measure of priority.

THE POINT FORTIN COURT

Plans for the construction of the Point Fortin Court have already been completed and approved. Tenders for construction closed on 30 June 1977 and an award is expected to be made sometime before the end of October, 1977.

THE ST. JAMES COURT

The required approval for the construction of a Magistrates" Court in St. James has been obtained, and the architect and the consultant are now working to complete the architectural plans for the building.

LAW CONFERENCES

This has been a notable year for Law Conferences. There was firstly, the international Conference of Appellate Magistrates held in Manila in January last, called by Chief Justice Fred Ruiz Castro, the Commonwealth Law Conference held in Edinburgh in July last, the Law Officers Conference in Winnipeg, the World Peace Through Law Conference in Manila in August last, the Commonwealth Magistrates Seminar in Jamaica, and the Human Rights Conference in Barbados in September last.

Trinidad and Tobago was represented and took part in all these Conferences, and the experience and knowledge, gained, and the friendships formed, have been invaluable.

The Commonwealth Law Conference in Edinburgh merits special mention. It was opened by Lord Elwyn Jones, Lord Chancellor of England and closed by two outstanding addresses. The first came from Lord Diplock and the next, which the Chairman of the Conference, Lord Wylie, described as a masterpiece, was delivered by the Commonwealth Secretary General, Mr Shridath Ramphal.

The Commonwealth Secretary General's address was entitled 'To Deserve to be Wanted'. With Mr. Ramphal's permission, I have made a copy available to Mr. Ewart Thorne, Q.C., President of the Bar Association, for publication in the Trinidad and Tobago Law Journal, which is about to see the light of day soon, I am advised, and I am sure that members of the legal profession will not only read it with interest, but will not lightly cast aside the warning contained in it, of the present and future threats to their relevance and existence in a rapidly changing world, where ideas, attitudes, morals, methods and philosophies of the past and present, are all fermenting in a vast melting pot.

Here is what he said in part:

"The truth is that the lawyer has traditionally been caught between the tensions generated by the fundamental need of society for stability and the demand of society for change.

In more leisurely times, with a less demanding public, lawyers could perhaps afford to move sedately – to be used to implement the law and as a tool of the law. The pace of change was slow – not yet quickened by the explosion of rising expectations. The lawyer rested comfortably content with the status quo. It served him well; it provided him with a handsome living; and, as only the well-to-do could afford him, market forces ensured that his education was directed to their service. I generalize, of course; but I do so consciously. The few mavericks who kicked against the pricks made little headway, and inspired few imitators.

The tempo of change has now quickened. This is an age of rapid and often bewildering transition. The social scene has altered everywhere beyond recognition; but as lawyers we are still moving slowly and often without conviction in response to the demands being made on us. The calls from a better educated public are as clamant as they were predictable – legal services are a right, not a privilege; legal jargon is an unnecessary and intolerable mystique; the lawyer has no more right to exploit a need for his services than a doctor to exploit the misfortunes of the sick.

All this calls into question a wide range of tacit assumptions of long standing, and it is not surprising that the legal profession in the Commonwealth should be under such intensive systematic scrutiny. The way courts are conducted; the accountability of the judiciary; the complaints procedures against the profession, the education and training of lawyers; and the way in which legal services are finally delivered to the public: all are the subject of critical examination. It is becoming more widely recognised, too, that the have-nots suffer more wrongs and more injustices than do the moneyed elite; that they encounter a whole range of problems that is beyond the experience of the middle class lawyer and ignored in his education – rooted as it so often is in the milieu of tax avoidance, family trusts and corporations. A real response is demanded; tokenism is now recognised for what it is, and is rightly and forthrightly rejected.

The law has been called "the government of the living by the dead". In the nature of the law such epithets are to some extent inevitable. But it is equally true as Justice Holmes once said, that: "the present has a right to govern itself so far as it can; and it ought always to be remembered that historic continuity with the past is not a duty, it is only a necessity." May I suggest, in the spirit of Holmes, that as lawyers, we all too often make a virtue of that necessity – ignoring our duty to be creative social engineers

of the present and enlightened architects of the future – which our works must inspire but cannot determine.

The legal profession is in danger of running out of time. No longer can it comfortably echo of its own habitat the words of the poet in praise of England – 'a place where freedom broadens slowly down from precedent to precedent.' Change is needed, and quickly; a degree of change uncomfortable for a profession which tends to profit from the status quo. All these problems are greatly accentuated in the newer societies and most especially in the poorer ones – but they have their counterparts everywhere. I acknowledge that there will be many here to whom such an image of a profession redolent with reaction does not fairly apply. But, the evidence of my own experience is that it is all too generally apt.

As community leaders, as opinion formers, as advisers, and as members of a profession with a belief in justice, your societies – which together are a sample of the world – look to you not only for advice but also for practical leadership; not for mere preservation of the status quo but for making it worthy of survival; not for observance of rituals but for constructive innovation. And can we doubt that everywhere they look with enlarging impatience?

The challenge which faces lawyers is an age-old one. It is the challenge to vindicate before an unbelieving public our own conviction that in our calling we are not only necessary but desirable elements of human society. It is a challenge that should make every lawyer pause and question the complacency which marks our traditional response. If we are content to rest our fate on a smug belief that our societies cannot do without us, we may face a rude awakening to the reality of redundancy. For Commonwealth lawyers, as for lawyers everywhere, the reappraisal of values, of institutions, of methodologies, that seems more specially characteristic of our age than of others , presents an inescapable challenge to justify our worth to our societies.

"Finally, may I suggest a wider dimension of challenge to Commonwealth lawyers today. Social and economic change is not a need confined to national societies. It is a need increasingly felt within the much broader community of States. If we seek that our own societies be just societies, as I believe we all do, it is immoral and in the end impractical, to deny the reach of these values to the wider community of States and peoples. It is simply no longer possible and never was justifiable, for an ethos of social and economic justice to stop at national frontiers. Nationalism and sovereignty, for too long a masquerade of national bigotry and self-aggrandisement, must now give way to internationalism and

> interdependence - and not just for moral reasons related to our spiritual health, but for practical reasons related to our planetary survival."

I am sure that I have kept you much longer than you expected, so I feel specially obliged to thank you abundantly, for your attention and patience. I must, also, thank all those who contributed to the success of the occasion this morning, the members of the legal profession and our special guests in general, and in particular, His Lordship the Bishop of Trinidad, the Right Rev. Clive Abdulah, His Grace the Archbishop of Port-of-Spain the Most Rev. Anthony Pantin, the Very Rev. Dean Rawle Douglin, Rev. Gerald Chen, Haji Sheikh M.S. Rahaman, Pundit Mahadeo Sharma, the Commander of the Defence Force, Brigadier Joffre Serrettee, Lieut. Col. Henry Christopher, and his men, the Registrar and staff of the Supreme Court and my indefatigable Administrative Secretary, Mr. Conrad Douglin.

On behalf of my brothers and myself, I thank the legal profession for their assistance and co-operation during the year under review and extend to them our best wishes for a fruitful and successful year of practice.

I now formally open the law term for this year and adjourn the sittings of the Courts to tomorrow morning.