

THE MID-WINTER MEETING OF THE NEW BRUNSWICK MEMBERS OF THE CANADIAN BAR ASSOCIATION

The New Brunswick members of the Canadian Bar Association held a mid-winter meeting in Fredericton on February twenty-fourth and twenty-fifth, 1956. The organizing committee consisted of H. A. Hanson, Q.C., W. G. Stewart, Q.C., and E. N. McKelvey. There was a large, enthusiastic attendance. The decision to hold a similar meeting next year in Saint John, taken at the closing business session presided over by Adrian B. Gilbert, Q.C., New Brunswick Vice-President of the Association, is evidence of the success of the gathering.

Discussion at the conference was organized in sections. On Friday evening, the twenty-fourth, the Insurance, Commercial Law and Administration of Civil Justice sub-sections met; Saturday morning there were meetings of the Administration of Criminal Justice, Labour Relations, Taxation, Civil Liberties and Junior Bar sub-sections. In the afternoon a symposium on current legal problems was held. A dinner Saturday evening was addressed by Mr. Justice Charles T. Jones of the Supreme Court of New Brunswick; R. D. Mitton, Q.C., President of the Barristers' Society of New Brunswick presided.

Meetings of the sub-sections took various forms. In the Insurance section, a panel of lawyers under the chairmanship of Donald M. Gillis answered a list of questions on practical insurance problems. This sub-section also passed resolutions supporting an amendment to section 104 of the Bankruptcy Act, proposed last year by the Ontario sub-section, to extend to a person with a claim against a bankrupt in respect of which the bankrupt is indemnified by any form of liability insurance the same right to have the proceeds of the policy applied to his claim as a claimant now has where the bankrupt is covered by a motor vehicle liability policy; suggesting that the Council of the Barristers' Society consider recommending to the Attorney General an amendment to the Insurance Act to insert a section similar to section 93 of the Ontario Act: this change would extend to judgment creditors of persons covered by any form of liability insurance a remedy against the insurer comparable to that provided by section 211 against the motor vehicle liability insurer; and requesting the Insurance Law Section of the Canadian Bar Association to consider the desirability of raising the standard minimum limits of motor vehicle liability insurance to \$10,000 and \$20,000 for personal injuries and \$3,000 for property damage. The Taxation sub-section also had a panel discussion. This was chaired by M. Gerald Teed, Q.C., and the participants were C. J. A. Hughes, Q.C., H. A. Hanson, Q.C., Wallace D. Macaulay, Thomas L. McGloan and Thomas B. Drummie. "The Diverting History of John B. Stubborn—a Reluctant Taxpayer" was discussed: a detailed narrative had been distributed on registration. The Administration of Civil Justice sub-section also used the panel technique. Chaired by J. P. Palmer, F. Dodd Tweedie, Q.C., W. G. Stewart, Q.C., W. A. Gibbon and David M. Dickson examined

the interim report of the New Brunswick Barristers' Society Committee on the Administration of Justice.

Other sub-sections centered discussion, in which all present were asked to share, around pre-announced topics. The Commercial Law sub-section considered zoning problems under the chairmanship of J. Edward Murphy, Q.C. The Administration of Criminal Justice Sub-section of which John T. Carvell is chairman dealt with a proposal for payment to barristers on appeals for indigents convicted of capital offences; abolition of the right of prosecutors to stand jurors aside, giving them the same privilege of peremptory challenge as is available to the accused; amendment of the Criminal Code to make a magistrate who has drafted a charge or information incompetent to sit on the hearing, and to empower clerks of the peace and Crown prosecutors to swear informations; and an amendment to provide for discharge of the accused on a "not proven" verdict if eight jurors agree on a "not guilty" verdict. The meeting of the Labour Relations sub-section at which David M. Dickson presided examined the rights and responsibilities of trade unions, while the Civil Liberties sub-section chaired by William A. Gibbon discussed legislation to provide for judicial review of administrative decisions. A well attended meeting of the Junior Bar sub-section decided to invite junior barristers of the Maritime Provinces to a joint convention this autumn; C. T. Gilbert was chairman.

Saturday afternoon the New Brunswick sub-section on Legal Education and Training and the Faculty of Law of the University of New Brunswick sponsored a symposium on current developments in the law. Talks were given by J. Paul Barry, Q.C., Norwood Carter, D. M. Gillis, and W. F. Ryan. The purpose of the symposium was not to present technical papers based on extensive research; it was rather to bring to the attention of the busy practitioner in a somewhat informal way recent cases and statutes in selected areas of the law which might be missed in the pressure of day to day practice. These talks are reproduced below substantially as delivered.

I

Some Aspects Of The New Criminal Code

Since April 1, 1955, we have been operating under the revised and shortened Criminal Code. It is an improvement in length and conciseness, but has made few changes in substantive law. The purpose of my remarks is to note some changes of which we should be cognizant in our daily practice.

The terms of reference to the Commission, as they appear in the Report printed in Hansard on May 14, 1952, show that it was not intended that important substantive legal changes should be considered: other commissions are dealing with such matters as insanity and capital punishment, lotteries and corporal punishment.