

Legal Lite

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If you wish to inform us of your ideas, questions or comments, please contact us in writing via campus mail at the following address:

Legal Lite
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Items may also be dropped off in our box at the Brunswickan office in the SUB, or at the first floor of the law school, Ludlow Hall, just below St. Thomas.

NEXT WEEK: More landlord and tenant.

Contributions this week: Ronnie Morns, Phil Palmer

Q. I am in love with a man and plan to marry him this summer. We both agree that we can't tell what we may feel like in ten years time, and given the track record of my friend's marriages we would like to know if it is possible for us just to contract together for five years and then renew that contract from time to time?

A. You are quite right in being alarmed at the failure rate of marriages. However, your solution is not one recognized by law, nor one enforceable in Court. In Canada, marriage is the union of one man and one woman to the exclusion of all others till death (or divorce). No contract may vary from that principle without being considered as tending to attack the basis of marriage. However, a pre-marriage contract can still be of considerable use, and several people would recently have been spared rather expensive trips to the Supreme Court of Canada had they only made a contract. Where a contract is of most use is in making clear how the parties intend the property they accumulate on marriage to be owned. As things stand, where there is no contract and a wife pays for groceries, clothing, and furniture, and the husband pays for the house and car... then -- if they separate, in law the wife is left with clothes and furniture and the husband the car. If, however, you contract that everything is intended to be held jointly, even if the husband and wife pay for distinct kinds of property (or the husband, as often happens, pays for all of it), the court has a document of binding force which sets out the express intention of the parties. Among questions you and your fiance should consider is whether your work as a housewife should also be a contribution to any business assets he may acquire. These contracts are complex. Be sure to get it drawn up by a skillful lawyer who has a divorce practice and so knows the kinds of problems at the end of marriage which could have been avoided before the marriage.

Q. I live in a basement apartment in which I rent a room for \$25 a week. My room flooded last week. What can I do? Can I move out? What are my rights? Thank you.

A. In this type of situation there would not appear to be a strict landlord and tenant relationship. The brief facts seem to indicate more of a boarder or lodger concept which is governed by different rules than those applied to a landlord-tenant relationship.

For example in a landlord-tenant situation the laws are presently governed by the New Brunswick Landlord and Tenant Act which will eventually be changed by the new Residential Tenancies Act. These Acts are specific regarding [1] terms of a lease

- [2] payment of rent
- [3] assignment and sub-letting
- [4] restriction of uses of premises and
- [5] repairs.

The present Act also sets out notice requirements which must be followed by the landlord and tenant before a tenancy is terminated. However the present situation indicates that there is a different relationship, i.e. that of a lodger. A lodger is merely an inmate under the landlord and perhaps the only criterion is whether the landlord retains control over the premises. If the owner retains his character of master of the house, residing upon the premises and reserving to himself the general control and dominion over the whole, the inmate is a mere lodger, a licensee.

Such a relationship is not strictly governed by the Act and there is a less formal attitude towards requirements etc. In the instant case, common sense would indicate that the lodger would be free to move out without notice in the case of a flooded room. However to avoid any bad feelings the lodger might give a week's notice before moving.

Where'd you say you're from?

Editors Note: J. David Miller has been a well known figure around this campus for the past few years. Now in Great Britain, furthering his studies, he has kindly agreed to write a bit about his experiences there. The article will be presented in three parts for three consecutive weeks.

By J. DAVID MILLER

I must say, as perhaps a preface, that I have had real difficulty articulating the mass of thought and emotion gathered after six months abroad. It shows. Anything that seems like a criticism is intended rather as observation. It is hard not to express love for Canada without appearing to put down England.

"Which part of the States are you from?" they all ask, assuming on air of studied neutrality. "No, I'm from Canada," you quickly say in return. A smile is usually forthcoming, practically everyone here has relatives in Canada. "From the Atlantic coast, New Brunswick" you say tentatively. "Is that near Moose Jaw?" they ask, and you laugh and say "No, that's about 3,000 miles away." An infinity for a person in a nation which can be driven from end to end like going from Saint John to Toronto.

"Who is Margaret Trudeau sleeping with now?" comes the inevitable first question. You try and say that you don't think she is sleeping with anyone. "I heard the Rolling Stones..." they start; you hasten to change the subject with a remark about the countryside. Taking the initiative again, they ask seriously "What is the revolution like in Quebec?" (the second inevitable question) You smile and with all sincerity try to persuade them that Montreal isn't Belfast and that Trudeau hasn't sent the army in yet.

You suggest that the Quebec situation in Canada is comparable to revolution for Scotland. Stories of sabotage and wholesale slaughter of Westmount Anglos are somewhat exaggerated, you maintain.

That's about all they seem to be interested in over here. The Prime Minister's wife, and the revolution in Quebec.

There are about 600 Canadians studying here, according to the Canadian University Society of Great Britain. When we run into each other, there is a real comfort in seeing one of your own. (I practically knocked down a fellow in a little country train station in Hampshire with a UNB Engineers jacket on, I was so glad to see him.) Within a few minutes of conversation, the topic is the love, mostly hate relationship with England which nearly all of us acquire after the third month.

People who have lived here for four or five months will know exactly what I mean, and people who have visited here for less than that time will be aghast at my statement. You nod in agreement with your fellow when he rhetorically asks "Joined the hate England Club yet?" No passion involved. I mean you don't see Canadians going through the streets of London with rolls of either dollars or yen, necks strung with Nikons; proclaiming loudly that all is bigger, brighter and better in America. We pride ourselves on that.

Still, it becomes easy to become very proud of Canada. In fact, often you feel proud of being a North American, as unlikely as that seems.

It's certainly not possible to explain this love-hate feeling. You have to be here. Possibly expressing it as "It's a nice place to visit, but I wouldn't, repeat wouldn't want to live here." But like the unwritten rule of never putting down another man's woman, it is best to avoid putting down another man's country. I don't think can — that's the love part of it — yet I have the gut feeling that it's important to allow myself to feel the greatness of Canada.

It seems that we take much for granted in Canada. Much is taken for granted in England as well. This is of key importance. I think that it is foolish to say, that life is better in America, or in Canada or in England. Life in the three places is different. Very different. Standards vary considerably across the Atlantic and yet because wholly different traditions apply comparisons are not simple. Without question, England has

rich and wonderful heritage of buildings, places, and events. Those interested in architecture and history will thrive on the sights. Everything that you are supposed to see here is worth seeing. Staring up into the vast and beautiful dome of St. Paul's in London, or walking the decks of Lord Nelson's Victory in Portsmouth, you get a feeling of history that is seldom matched in North America.

Also without question, the U.K. has what must be the finest public transport system in the English speaking world. With patience, you can travel anywhere, relatively cheaply as well. Students with a \$14. rail card only pay half fair. Every city has an excellent library, theatre, parks and bus system. The BBC (two channels) and ITV (on commercial channel) offer, on the whole, programming vastly better than what is offered in North America. Even the picture and colour is better, perhaps not so much better as they would have you believe, but better none the less. The BBC has four radio channels which, on a national basis, provide superior radio programming as well.

British newspapers are the finest I have seen. The major popular papers — The Sun and Daily Express have page three and page five girls everyday — to brighten things up. The Time and the Observer out of London can't be beat for total news coverage.

Then there's the pubs. Pubs are the pivot of working class and student life. Pubs called "The Bold Forrester", "The Fifth Han Regiment", "The Victory", "The Red Lion", "The Red and White", with signs proclaiming 'courage', 'whitebread' or 'Gales' sometimes

saying "Free House" where there is all three and more. "Trophy", "bitter", "ordinary", "JC", "Winter-brew" Sometimes comes from real kegs on the bar! For between 56 and 80 cents you get a pint (yes a pint: 20 fluid ounces) of these beers. None of this 9 oz beer hall tavern NBLCC nonsense. For the adventurous there's "strongbow cider". (not for sissies either — pretty well curls your hair). Like double distilled apple jack. They put dead rats in it — for body.

India nite

U.N.B. India Association invites you with your family & friends, for their annual cultural evening at the Playhouse on Saturday, Feb 11th at 7:30p.m. An Entertainment with Indian Dances & Music. Free Admission