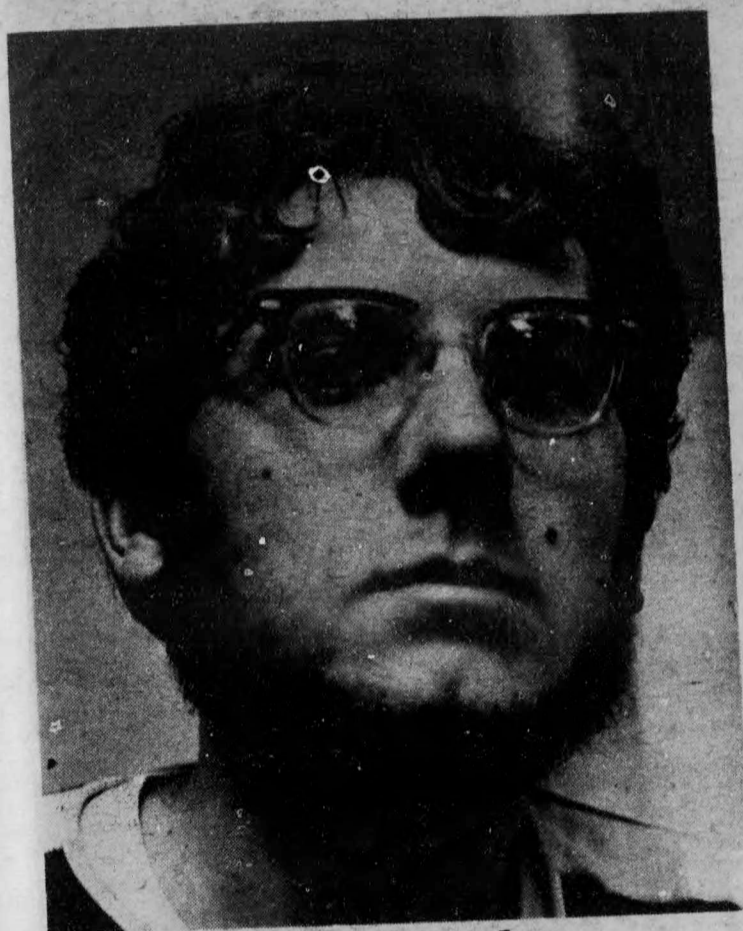


# Murphy granted second adjournment by court



Tom Murphy

## Civil Liberties Commission Lawyer to defend Murphy

by ruth carole  
brunswickan staff

Thomas Murphy's second hearing ended in a six-day adjournment to allow his defence council, Alan Borovoy, a civil liberties lawyer from Toronto, to prepare the case for the Supreme Court of New Brunswick. Murphy was charged earlier this month with contempt of court regarding an article written in his bruns column "Spades Down" on Dec. 3.

Murphy was granted his adjournment by Chief Justice Bridges after a half-hour recess. David Nicholson, who represented Murphy for his hearing, presented the affidavit and made the motion that the court accept Alan Borovoy as Murphy's council. Nicholson had

not planned to defend Murphy, only to present the proposal. It was on Borovoy's advice that an adjournment be granted.

Nicholson's proposal was rebuked immediately by Judge Ritchie, who felt that Borovoy would be acting in the interests of the Civil Liberties Commission (of which he is Director) and not in favor of the defendant.

The prosecuting attorney, J.F. Teed, was opposed to outside counsel as in the past this procedure was not allowed, nor were New Brunswick lawyers allowed to practice in Ontario which is Borovoy's home bar association. Both Judge Limerick and Chief Justice Bridges justified Tweed's remark. Limerick's main concern was the publicity Murphy would receive from this postponement. He felt that it would not be helpful to the defendant.

Borovoy was allowed the courtesy of the court and will appear to defend Murphy on Feb. 4, but Nicholson will not only have to introduce him, he will have to work simultaneously in presenting the case. The tribunal of judges informed the court that an outside lawyer would not be accepted in the future unless a N.B. barrister was recognized in his locality as well.

Another interesting sidelight of the trial was brought up when Bridges refused to allow people to stand in the courtroom in the future. The prosecuting attorney suggested that the blue secondary row of

benches be removed in order to make more room. To this the reply was received that the furniture had been there for 50 years and could not be moved.

**Oliver fined \$50**

John Oliver, editor-in-chief of the bruns was to a \$50 fine or 15 days in jail on January 19. He was found guilty of contempt of court on Jan. 16 but given additional time before sentencing in order to publish an apology and retraction to the article in question.

Defense counsel Harper, in presenting the case for Oliver, stressed the editor's inexperience and nonprofessionalism. Said Harper, "This is only a part-time activity for him."

After a short recess Oliver was handed his sentence. The bench made it clear that he was getting off with a minimal penalty. The fact that that Oliver was an inexperienced editor was also taken into consideration, as was the retraction printed in last week's bruns. The court felt that the retraction was honest and sincere. Teed said that it was "a full-hearted, honest retraction and withdrawal". He also said that an imprisonment or a heavy fine was not necessary in this case. He suggested to the judges that an nominal fee be set.

In handing down the fine, Bridges noted that university students have "young and impressionable minds".

The Canadian Civil Liberties has moved into Fredericton. Approximately three weeks ago a group of interested professors and students met at the house of Prof. Don Cameron to talk about recent events at the university - namely the appointment of a new president. At that time interest was centered on the possibility of making the choosing of a president more democratic.

New events, such as the situation of Dr. Norman Strax also came under consideration during ensuing meetings.

The last event, and one on which the group has concentrated most is the case of Tom Murphy. For the past week this group, which now numbers about 22 people, has been counselling with Murphy and

helping him plan his strategy for the future as far as his court case is concerned.

It was felt by the group as a whole that the case would be approached as a breach of civil liberties. Therefore the Canadian Civil Liberties Association of Canada in Toronto was contacted after many prominent New Brunswick and other Canadian lawyers had been approached and had refused. The Civil Liberties people decided to take the case with Alan Borovoy as defence lawyer. At this time (Jan. 26) this group, known as the Citizens Committee for a Just Society, decided to approach the Civil Liberties Association asking for membership. Their decision is pending.

The group has firmly com-

mitted itself to the choice of action that Murphy has taken and along with the help of the Canadian Civil Liberties Association and David Lewis, House Leader of the NDP, will use all power and influence at their command to reach success in this case.

This is not a closed group but rather it welcomes membership from anyone who is interested in the preservation of democratic principles of the individual in this country.

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