

Legal Lite

Q. Two years ago I was convicted of possession of a quantity of marijuana and given a fine. What is the status of my criminal record; if it is still 'there' can I do anything to have it erased?

A. At present the record is likely still on file but there does exist a procedure whereby it may be made inaccessible for most purposes. The grant of a pardon is evidence that a conviction "should no longer reflect on (your) character". The pardon removes the conviction and any disqualification made upon sentencing. With respect to criminal records, the pardon may include an order directing any person in custody of such information to deliver it to the control of the Commissioner of the RCMP. This record will then be kept separate and apart from other criminal records and will not be available to anyone, nor will the fact of the conviction or the existence of the record be disclosed to anyone without the prior approval of the Solicitor General. (Before he gives such approval he will first have to satisfy himself that any disclosure would be in the interests of the administration of justice.)

The procedure involved in obtaining a pardon requires one to make an application to the Solicitor General of Canada. He will refer it to the National Parole Board who will in turn get the RCMP to investigate his behavior since the convictions. Two years must have gone by, in the case of summary convictions, from the time any fine was paid or sentence or period of parole ended. For more serious offences one must wait five years from the time of completion of any prison or parole period.

After the investigation has been completed, the Parole Board will recommend to the Solicitor General whether or not to grant the pardon. If they do so recommend, notice will be passed along to the Governor in Council who will issue the order. If it is felt that pardon should not be given the person will be notified and granted an opportunity to speak on his own behalf.

A pardon may be revoked for a number of reasons. If one is again convicted of a criminal offence, or the Governor in Council is satisfied that he is no longer of 'good behaviour', or knowingly make a false statement on his application for the pardon it will be subject to revocation.

The federal legislation covering this subject is known as The Criminal Records Act R.S.C. 1970 (1st Supp.), c.12 as amended by 1972, c.13, s.72.

Q. What is the law with regard to a will that is made before marriage.

A. There is one change in the circumstances of a Testator's or Testatrix's life which revokes (cancels) his or her will. It is marriage. In every Province except Quebec, a subsequent marriage automatically revokes all existing wills and codicils without having the intention to revoke the will. But the relevant section of the various Wills Acts provide for exceptions to the rule. Each Act provides that the subsequent marriage shall not have the effect of revoking the will if the will itself contains a provision that it is made "in contemplation of marriage". This exception to the rule has given rise to considerable litigation. The statement in the will must have reference to a contemplated marriage to a particular person, and not simply to the contemplation of marriage generally. There must be a clear indication from the will that the Testator contemplated marriage to the named person. In a recent British Columbia case the Judge held that the Testator's will leaving "all to my wife (naming her)" was revoked by his marriage the very next day to the named woman. There must be a clear indication that the Testator intended to marry a particular named person.

Q. If I were stopped for speeding 15 m.p.h. or more over the limit should I pay the police there and then?

A. If a person is stopped and charged with exceeding the speed limit in excess of 15 mph and he pays the police officer the \$25.00 fine, he will lose 5 points from his N.B. license. On the other hand, if he goes to court and pleads guilty the fine will usually be \$25.00 but he will lose only 3 points.

Collective this issue: Tom Evans, Ralph Lutes, Janet Steeves approved by Professor Hurley.

If you wish to inform us of your ideas and comments or if you have a question please contact us in writing via campus mail at the following address: LEGAL LITE

Public Legal Information Services
UNB Faculty of Law
Box 4400
E3B 5A3

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. The authors reserve the right to rephrase questions to fit a general information format.

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White students unite

March the 24 will see the first meeting of the White Students Society on the quadrangle in front of the Student Union Building. A spokesperson for the group who preferred to remain anonymous said that there will be a mass rally on the night of the full moon (24) at 12:00.

He said the group is being formed "to promote caucasian culture, and that the membership is open to whites, part whites, and those students who wish to be white.

He said the structure is like most organizations, with a president, vice president (2), comptroller and what he termed a Keeper of the Faith. He said this person will light ceremonial crosses.

The spokesperson said that one of the group's aims is to "fight against the obvious discrimination against the white race which is personified in the SRC". He said there were a large variety of black, chinese, and indian clubs but none were available for white people.

He said his group is also opposed to opening the library and said that everyone knows no

one likes going there, "only intellectual snobs".

The group is very much in favor of Premier Hatfield and intend to work towards insuring his reelection. They are planning to extend to him an honorary executive position.

The spokesperson said that the group is very opposed to the recently known Dinner Club Anaracists, as they are not in favor of buying cream pies because they don't believe in importing coconuts from pagan foreign countries.

The spokesperson said that the organization is athiest and anyone who believes in God cannot join "So help me God". Women are also allowed membership although they are inferior according to the spokesperson who said they will be expected to subjugate themselves to the male members of the society.

The registrars office is understaffed and underpaid" said the spokesman who feels the beauty is not large enough. "We are also in favor of tuition increases" he said.

One of the groups most fervent aims is to "purify the North

American race" but he would not expound further on what he meant by this statement.

They have also applied for a young Canada Works Project entitled "Community Purification Project".

The spokesperson concluded by saying "We hope that everyone will make a sincere effort to attend our rally."

Scholarship awarded

Daniel Ahern, a fourth year honors philosophy student at St. Thomas University, has been awarded a \$5,300 scholarship from the University of New Brunswick. Daniel plans to enter the M.A. degree programme in philosophy at UNB in September.

A graduate of Moncton High School, Daniel is the son of Mr. Joseph M. Ahern and Mrs. Dorilla Ahern, both of Moncton, N.B.

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