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MASSACHUSETTS
COMMISSION ON
JUVENILE DELINQUENCY

MINISTRY OF ATTORNEY GENERAL

annual report
of the
**LAW REFORM COMMISSION
OF BRITISH COLUMBIA**
1978



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ACQUISITIONS

The Law Reform Commission of British Columbia was established by the *Law Reform Commission Act* in 1969 and began functioning in 1970.

The Commissioners are:

PETER FRASER, *Acting Chairman*

LEON GETZ

PAUL D. K. FRASER

KENNETH C. MACKENZIE

Arthur L. Close is Counsel to the Commission.

Anthony J. Spence is Director of Research to the Commission.

Douglas Chalke is Legal Research Officer to the Commission.

Patrick Kilpatrick is Secretary to the Commission.

The Commission offices are located on the 10th Floor, 1055 West Hastings Street, Vancouver, B.C. V6E 2E9.

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TO THE HONOURABLE GARDE B. GARDOM, Q.C.
ATTORNEY-GENERAL FOR BRITISH COLUMBIA

The Law Reform Commission of British Columbia has the honour to present its Annual Report, outlining the progress made by the Commission during the calendar year 1978.

I. INTRODUCTION

The Law Reform Commission of British Columbia was constituted by the *Law Reform Commission Act* which became law on July 1, 1969 and this Report marks the ninth full year of its operation. During the past year, formal Reports were submitted to you on a variety of matters. They include Reports on the *Replevin Act*, the *Attachment of Debts Act*, the *Absconding Debtors Act*, the *Bail Act*, and on Execution Against Land. We have also issued a Working Paper on Guarantees of Consumer Debts. The contents of these documents are described more particularly below.

Despite difficulties referred to later in this Report, we feel that we have had a productive year and are particularly gratified in having concluded certain long-term studies and in bringing others much closer to conclusion.

For reasons set out in previous Annual Reports, the emphasis of the Commission's work continues to be on private law matters. Early in 1978 we reviewed our Programme and you will note that a number of new studies have been added to it.

II. MEMBERSHIP OF THE COMMISSION

As presently constituted the Commission consists of four members: Messrs. Peter Fraser, Leon Getz, Paul D. K. Fraser and Kenneth C. Mackenzie. Mr. Mackenzie was appointed to the Commission in August 1978. Details of the appointments of the other members may be found in previous Annual Reports.

For the first half of 1978 our full-time Chairman was Douglas Lambert. On July 14, on his appointment as a Judge of the British Columbia Court of Appeal, he resigned from the Commission. No successor has yet been appointed and Peter Fraser has been designated as Acting Chairman.

Mr. Justice Lambert first joined the Commission as a part-time member in 1976 and was appointed Chairman with effect from January 1, 1978. Both as a Commissioner and as Chairman he had a significant impact on the Commission and its work. He combined an astute legal mind with a deep fund of common sense and humanity. These characteristics, which made him invaluable to the Commission, will serve him well as a judge.

We wish to record our congratulations, our appreciation for the valuable contribution he has made, and our confidence that his tenure will be a long and distinguished one.

III. THE PROGRAMME

The description of our Programme below is limited to those projects upon which we have reported in the past year or upon which work is in progress. Details of other Reports, and projects which have been discontinued with the reason for the discontinuance, may be found in earlier Annual Reports. Included as Appendix A is a table setting out all Reports which the Commission has made to date, and references to legislation in which our recommendations have been implemented in whole or in part. In Appendix B there is another table setting out those matters which are now under consideration.

1. Debtor-Creditor Relationships

(a) *Enforcement of Judgments*

In 1978 the Commission's work on this project has been concentrated in three areas: the *Attachment of Debts Act*, Execution Against Land, and the *Creditors' Relief Act*. Final Reports were submitted in October with respect to the first two studies.

Our Report on the *Attachment of Debts Act* contains over 70 recommendations aimed at modernizing and improving that legislation. Among the most significant are recommendations relating to a new type of garnishment process, effective for a specified term, that will attach any debt that becomes due from the garnishee during that term. Other important recommendations concern the availability of prejudgment garnishment and the issue of process.

Our Report on Execution Against Land sets out a variety of recommendations designed to rationalize this area of the law and to continue the process of reform initiated by the *Execution Amendment Act, 1978*.

The *Creditors' Relief Act* was the subject-matter of a Working Paper that was circulated in 1976. Our work on this, and other aspects of the Enforcement of Judgments Project, will continue in 1979.

(b) *Reviewable Transactions*

This subject was added to our Programme in 1977 as a result of our preliminary examination of the *Bulk Sales Act*. It was concluded that it would be preferable to defer proceeding further on a separate project on bulk sales until we also examined the operation of other statutes such as the *Fraudulent Conveyances Act* and the *Fraudulent Preferences Act* which provide analogous relief.

Accordingly the study was retitled as "Reviewable Transactions." Although no concentrated research was undertaken in 1978 we have continued to gather background materials. We hope to have the resources to give this matter active consideration in 1979.

(c) *Law of Guarantees*

The law of guarantees was the subject of intense research by the Commission in 1977 and early 1978. This research revealed that the law of guarantees, and consumer guarantees in particular, is surrounded by a great deal of uncertainty and doubt, is in some respects inequitable, and is ripe for re-examination. A Working Paper setting out a number of proposals for change with respect to guarantees of consumer debts was circulated in February 1978.

The responses to the Working Paper that we have received are currently being considered and our proposals re-examined in the light of them. We hope to issue a final Report on this matter in 1979. We will also be considering the desirability of changes to the law concerning guarantees given in commercial transactions.

(d) *Two Obsolete Acts*

One of our functions, as set out in the *Law Reform Commission Act*, is a review of the statute law of the Province with a view to the "repeal of obsolete and unnecessary enactments." In the course of our studies on debtor-creditor relationships, two Acts emerged that fall within that description. They are the *Absconding Debtors Act* and the *Bail Act*. In a short Report submitted in March 1978, we recommended that they be repealed. This recommendation was implemented by sections 1 and 2 of the *Attorney-General Statutes Amendment Act, 1978*.

(e) *Crown Liens*

A large number of Provincial statutes create liens over real and personal property to secure money that is payable to the government or its agencies. Such liens tend to be legislated on an *ad hoc* basis and their scope and priority is often uncertain. There is no evidence in the statutes of any uniform policy or of a consistent set of principles with respect to such liens.

In 1978 a project on Crown liens was added to our Programme. It is our present view that it might be possible to rationalize this area by developing omnibus legislation, a *Crown Liens Act*, that would define the characteristics of one or more classes of Crown liens and to which other Acts might refer in creating liens. The aim would be to achieve an appropriate balance between the needs and expectations of government, its debtors, and third parties.

(f) *Joint Liability*

A project on joint liability was added to our Programme in 1978. One aspect of the project is an examination of the distinction between joint liability and joint and several liability and the differing rules applicable to each. This distinction can be crucial. For example, a judgment obtained against a person jointly liable will bar any action against the others with whom he is liable. If the liability is joint and several, judgment obtained against one will not bar any action against the other.

We also propose to examine the law concerning joint tortfeasors and the relationship between that law and the law of contributory negligence. In particular, the provisions of the *Contributory Negligence Act* relating to joint tortfeasors may need to be examined if any changes are made with regard to the liability of such tortfeasors.

A person who discharges an obligation on which he is jointly liable with another may call upon that person to contribute toward the cost of discharging that obligation. This aspect of the law will also be examined and we expect to profit from the work of the Uniform Law Conference in this area.

2. The Law of Damages

(a) *Personal Injury Claims*

The law concerning the award of damages for personal injury claims has recently been a matter of considerable controversy. Such damages are awarded as a lump sum on a once-and-for-all basis. In assessing the amount to be awarded the court or jury is placed in the position of having to predict the future course of events on the basis of the best evidence available at the time. In the result an award that seemed realistic at the time it was made may prove to be inadequate or overly generous.

There have been a number of recent developments in this area. In England, the Royal Commission on Civil Liability and Compensation for Personal Injury, under the chairmanship of Lord Pearson, reported its recommendations in March 1978. In Canada, Mr. Justice Dickson of the Supreme Court of Canada suggested in a recent case that personal injury awards might be made subject to a periodic review.

The time seems ripe for an examination of this difficult area of the law in British Columbia and a study on it was added to our Programme in 1978.

(b) *Families' Compensation Act*

A related study was also added to our Programme in 1978. It concerns the operation of the *Families' Compensation Act*. This may ultimately be merged with the larger study described above, but, for the time being it will be treated as a discrete project on which a separate Report may be made.

3. Statute Law Revision: Applicability of English Law

The *English Law Act*, R.S.B.C. 1960, c. 129 provides that the laws of England, as they existed on November 19, 1858 are in force in British Columbia to the extent that they are not inapplicable through local circumstances and have not been repealed or superseded by federal or provincial legislation. It follows from this that an uncertain number of English statutes are in force in this Province.

The aim of this project is to introduce a degree of certainty concerning the extent to which English statute law is in force here. We hope to develop a list of statutes which are in force, with a view to giving that list legislative force and repealing the balance of the English statutes.

This has always been recognized as a long-term project and our previous work has been devoted largely to gathering background information. As a result of these efforts we now have a collection of comparative materials concerning law reform in this area which we believe is unrivalled in the Commonwealth. In 1977 considerable progress was made in organizing these materials, and a preliminary list of statutes has been established. Our research in this area continued in 1978.

4. The Parol Evidence Rule

Where the parties to a contract have embodied its terms in a written document, as a general rule extrinsic evidence is not admissible to add to, vary, subtract from or contradict the terms of the written instrument. This rule is often known as the parol evidence rule. There are a number of exceptions to the rule and in British Columbia the rule has been abrogated with respect to consumer contracts (*Trade Practices Act*, S.B.C. 1974, c. 96, s. 27).

The rule and its scope were recently explored in a short Working Paper (No. 70) issued by the English Law Commission and it was their tentative conclusion that the rule no longer serves a useful purpose and ought to be abrogated. A study on the parol evidence rule was added to our Programme in 1977.

5. Arbitration

This project was added to our Programme in the hope of developing recommendations which would make arbitration proceedings speedier and less costly than at present. Work on this project continues and we hope to circulate a Working Paper in 1979.

6. Civil Procedure

(a) *The Replevin Act*

The *Replevin Act* provides a procedure whereby a person having a claim to goods which are in the possession of another may reclaim them before actual adjudication of his right to possession. The Act has a number of objectionable features, not the least of which is its archaic and obscure language.

In May 1978 we submitted a Report on the *Replevin Act*. In that Report we recommended that the Act be repealed and a new remedy, available on interlocu-

tory application, be added to the Rules of Court for the interim recovery of personal property.

(b) Civil Litigation in the Public Interest

Generally speaking, a private individual has no standing to sue to protect the public at large from a wrongful invasion of its rights. He may only sue when the interference with the public right is such as to interfere with a private right of his own or where he has suffered special damage or has some interest peculiar to himself. Where such factors are absent only the Attorney-General, suing either alone or, more usually, at the relation of a private individual or public authority, may seek redress in the courts in respect of a wrongful invasion of a public right. The role of the Attorney-General has recently been a matter of particular controversy in England owing to the decision of the House of Lords in *Gouriet v. U.P.W.*, [1977] 3 W.L.R. 300.

In 1976 you requested the Commission to examine this area. Our work is well advanced and the preparation of a Working Paper is in its final stages.

(c) Class Actions

It has long been recognized there are situations in which it is appropriate to allow a litigant to bring an action on his own behalf and on behalf of numerous other persons who may have similar claims. Rule 5 (11) of the Supreme Court Rules permits such actions but the scope and operation of the Rule is often uncertain, and its scope has been criticized as undesirably narrow.

We consider that it is particularly desirable that the law in this area be uniform throughout Canada and we intend, as far as possible, to co-ordinate this project with similar work being done by the Law Reform Commission of Ontario and, through the Uniform Law Conference, with the reforms adopted or under consideration in other provinces.

7. Estates Projects

(a) Wills and Succession

A large project concerning the law of wills and succession was added to our Programme in 1978. Among the areas to be examined are formalities of execution, including holograph wills; ademption, conversion and disclaimer; international wills and the conflict of laws; the *Testator's Family Maintenance Act* and intestate succession. The modification of wills on divorce and privacy issues, discussed in our previous Annual Report as separate projects will be subsumed in the larger study.

Considerable progress has been made on this study and a number of background papers have been prepared. We hope to circulate one or more Working Papers on various aspects of this project in 1979.

(b) Probate Procedure and Administration

This is also a new project. It will examine the law of British Columbia concerning the procedure used in obtaining letters probate and letters of administration and the law relating to the administration of the estates of deceased persons, with a view to its consolidation, rationalization and simplification.

We are in the process of gathering background materials on this project and hope formally to commence research on it in 1979.

8. Subjects of Interest

Preliminary research is proceeding on a number of matters which are not yet part of the Commission's Programme. In most cases the research is to determine if a particular topic is appropriate for formal inclusion in our Programme as a Commission project.

Many of these matters which are under preliminary consideration arise out of particular suggestions made and problems drawn to our attention by the legal profession and by members of the public. We always welcome this kind of assistance. Even if the particular suggestion or problem is not one which we feel is appropriate for a Commission study we are usually able to transmit it to a person or agency which is in a position to act.

IV. THE AVAILABILITY OF COMMISSION PUBLICATIONS

All final Reports issued by the Commission are published in the format of this Report, with the intention that they be available to the public. Our Annual Reports are distributed by the Commission and are available on request and free of charge so long as stocks last.

The Provincial Queen's Printer is charged with the responsibility of distributing all other Reports made by the Commission. A nominal charge is made for copies of those Reports. Orders and inquiries as to prices should be directed to:

The Queen's Printer,
Parliament Buildings,
Victoria, B.C., V8V 4R6

A number of our early Reports are now out of print and are not available. Those Reports are those indicated with an asterisk in Appendix A.

Working Papers are produced in a typescript format by an offset process, and the Commission is responsible for their distribution. Working Papers are usually produced in limited quantities and our supplies of them are invariably exhausted by, or shortly after, their initial distribution. Normally, therefore, we are unable to respond to requests for copies of past Working Papers.

V. ACTION ON COMMISSION REPORTS

The past year was an encouraging one for the Commission in terms of legislative and governmental action on our Reports.

The recommendations made in three Reports were implemented by the provisions of the *Attorney-General Statutes Amendment Act, 1978*, S.B.C. 1978, c. 11. Those Reports were on the Waiver of Conditions Precedent in Contracts (LRC 31), *Offences Against the Person Act, 1828*, Section 28 (LRC 35) and *Absconding Debtors Act* and *Bail Act: Two Obsolete Acts* (LRC 37).

The triptych of real property acts passed in 1978 also implemented certain recommendations. Section 33 of the *Conveyancing and Law of Property Act*, S.B.C. 1978, c. 16, implemented the recommendations contained in our Report on The Rule in *Bain v. Fothergill* (LRC 28). A number of the recommendations made in our Report on Security Interests in Real Property: Remedies on Default (LRC 24) were implemented by the *Land Titles Act*, S.B.C. 1978, c. 35. Moreover, in the *Execution Amendment Act, 1978*, S.B.C. 1978, c. 19, a number of concerns that had been raised in our Working Paper on Execution Against Land (Working Paper No. 22) were met.

Toward the end of the 1978 Session of the British Columbia Legislature three Bills designed to implement Commission recommendations were introduced and given first reading. They were: *Evidence Amendment Act, 1978* (1978 B.C. Bill 44) implementing Report on Proof of Marriage in Civil Proceedings (LRC 32), *Contracts Enforcement Act* (1978 B.C. Bill 45) implementing Report on the *Statute of Frauds* (LRC 33) and *Builders' Lien Act* (1978 B.C. Bill 42) implementing Report on the *Mechanics' Lien Act: Improvements on Land* (LRC 7). Public comment was sought on those Bills and they have been allowed to lapse. We hope to see them reintroduced during the 1979 legislative Session.

Finally, in September 1978 a "white paper" was issued and distributed by the Ministry of Consumer and Corporate Affairs under the title "A Proposed Personal Property Security Act". The white paper adopts and carries forward the recommendations made in our Report on Personal Property Security (LRC 23).

In summary, nine of our Reports have been the subject of official action of one kind or another amounting to an adoption, in principle, of our recommendations.

VI. CARRYING OUT THE PROGRAMME

While we have been heartened by the recognition that our work has received in the past year, our morale has been dampened by the lack of a full-time Chairman during the latter half of 1978. As set out earlier in this Report, our Chairman was appointed to the British Columbia Court of Appeal in July 1978 and no successor has yet been appointed or designated.

This state of affairs is similar to that which existed for the final six months of 1977. In our 1977 Annual Report we stated

The lack, since June 1977, of a Chairman having a continuing preoccupation with the planning and accomplishment of the work of the Commission has caused a considerable setback in the discharge of our task. . . .

That observation applies with equal force to our present situation.

The absence of a full-time Chairman cannot but have a devastating impact on our operation. The recruiting of qualified personnel is made much more difficult and, as a result, work on a number of important projects has been deferred. A further consequence is that a considerable burden has been imposed on our Acting Chairman and on the senior members of staff in undertaking the duties normally performed in the post by the full-time Chairman. We strongly urge that this hiatus in our ranks be filled as soon as possible.

VII. RELATIONSHIP WITH OTHER AGENCIES

(a) Law Reform Agencies

Our ties with other law reform agencies continue to strengthen and prosper, both through the reciprocal arrangements for the exchange of documents and through personal contacts. Of perhaps greatest significance was a two-day meeting of law reform bodies held in August at St. John's, Newfoundland, and attended on behalf of British Columbia by K. C. Mackenzie and A. L. Close, Commission Counsel. This meeting resulted in a fruitful exchange of information and discussion of mutual concerns. That meeting was followed by the Annual meeting of the Uniform Law Conference of Canada. Messrs. Mackenzie and Close were members of the British Columbia delegation to the Conference.

Visitors to the British Columbia Commission during the past year included Mr. Frank Muldoon, Chairman of the Law Reform Commission of Canada, Professor Steve Waddams, and Mr. Ken Hodges, Director of Research to the Law Reform Commission of Saskatchewan.

Although the Commission reported on Personal Property Security in 1975, it continues to keep abreast of more recent developments in this area through the participation of its Counsel in the Special Committee of the Canadian Bar Association on a Model Personal Property Security Act under the Chairmanship of Professor Jacob Ziegel.

(b) Government

In our last Annual Report we stated:

We are anxious to explore means of ensuring that our work remains relevant to the perceptions of the Government and the Legislature as to the issues on which reform is desirable, practicable and timely.

Pursuit of that goal led to several meetings between the Commission members and personnel with you and your officials and with officials of other ministries. We hope to see such consultations become a permanent feature of our operation.

Since the time the Commission reported on Personal Property Security a shift in ministerial duties has brought this matter within the responsibility of the Minister of Consumer and Corporate Affairs. The publication of the white paper has brought us into contact with officials of that Ministry and resulted in consultation which we hope has been helpful to them.

Finally, the flurry of legislative activity in 1978 has led to an even closer relationship between Commission personnel and the members of Legislative Counsel's office.

VIII. ACKNOWLEDGMENTS

We wish to extend our thanks to the research staff of the Commission, Arthur Close, our Counsel, Anthony Spence, our Director of Research and Douglas Chalke, our Legal Research Officer, for their efforts on our behalf. As we have pointed out in previous Annual Reports, our policy of doing the greater part of our research work internally, rather than relying upon outside consultants, has placed a heavy burden of responsibility upon the shoulders of our permanent staff, and they have responded to the challenge with energy, enthusiasm and careful scholarship.

In particular, we wish to acknowledge the contribution of Mr. Close. Over the past 18 months we have had a Chairman for only six of those months. During the other periods Mr. Close assumed responsibility for the day to day operation and administration of the Commission.

We wish to acknowledge the contribution of Mr. Fred Hansford. Mr. Hansford came to the Commission for the summer months and was responsible for the significant progress made on our new project on wills and succession.

Our support staff, Patricia Kilpatrick and Marianne White, also made a notable contribution to the work of the Commission. They brought intelligence and efficiency to their duties and shared concern that our work should be of the highest quality in every respect.

Our special thanks also go to His Honour Judge P. van der Hoop, Mr. Henry Kennedy, Director of Land Titles, and Messrs. Peter Bogardus and J. G. Carphin for particular assistance given with respect to Commission studies.

The support which we have received from the organized bar and its individual members in past years continued in 1978. We rely heavily on the assistance of the legal profession in a number of ways. At the research stage of our projects, individual lawyers assist us in gathering facts and in acting as a "sounding board" with respect to various approaches to difficult issues. Requests for help of this kind are invariably the subject of a generous response. At the more formal stage

of consultation, various Sections of the British Columbia Branch of the Canadian Bar Association assist our deliberations with thoughtful submissions on the various proposals and tentative conclusions set out in our Working Papers. We wish to thank all members of the bar who gave generously of their time and experience in the past year.

Finally, we wish to thank Mr. Richard Vogel, Deputy Attorney-General, and Mr. Mark Krasnick, Associate Deputy Attorney-General, for the attention they have given to the Commission and its activities.

PETER FRASER, *Acting Chairman*

LEON GETZ

PAUL D. K. FRASER

KENNETH C. MACKENZIE

1 January, 1979

Appendix A

REPORTS MADE BY THE LAW REFORM COMMISSION
OF BRITISH COLUMBIA

| No. | Title | Date | Recommendations Implemented in Whole or in Part by |
|-----|--|---------------|---|
| 1 | Limitations—Abolition of Prescription* | Dec. 17, 1970 | <i>Land Registry (Amendment) Act, 1971, S.B.C. 1971, c. 30.</i> |
| 2 | Annual Report, 1970* | Dec. 31, 1970 | Not applicable. |
| 3 | Frustrated Contracts Legislation* | Feb. 17, 1971 | <i>Frustrated Contracts Act, S.B.C. 1974, c. 37; Landlord and Tenant Act, S.B.C. 1974, c. 45, s. 61 (e) Commercial Tenancies Act, R.S.B.C. 1960, c. 207, s. 34.</i> |
| 4 | Debt Collection and Collection Agents* | Mar. 19, 1971 | <i>Debt Collection Act, S.B.C. 1973 c. 26.</i> |
| 5 | Expropriation | Dec. 20, 1971 | |
| 6 | Annual Report, 1971* | Dec. 31, 1971 | Not applicable. |
| 7 | <i>Mechanics' Lien Act</i> | June 30, 1971 | |
| 8 | Deficiency Claims and Repossessions | June 22, 1972 | <i>Conditional Sales Act, S.B.C. 1973, c. 19; Bills of Sale Act, S.B.C. 1973, c. 7.</i> |
| 9 | Legal Position of the Crown | Dec. 12, 1972 | <i>Crown Proceedings Act, S.B.C. 1974, c. 24; Interpretation Act, S.B.C. 1974, c. 42, s. 13.</i> |
| 10 | Annual Report, 1972 | Dec. 31, 1972 | Not applicable. |
| 11 | Interim Report of Evidence | Feb. 20, 1973 | <i>Attorney-General Statutes Amendment Act, 1975, S.B.C. 1975, c. 4, s. 6.</i> |
| 12 | Pre-Judgment Interest | May 16, 1973 | <i>Prejudgment Interest Act, S.B.C. 1974, c. 65.</i> |
| 13 | Landlord and Tenant—Residential Tenancies | Dec. 11, 1973 | <i>Landlord and Tenant Act, S.B.C. 1974, c. 45.</i> |
| 14 | Annual Report, 1973 | Jan. 1, 1974 | Not applicable. |
| 15 | Limitations—General | Mar. 25, 1974 | <i>Limitations Act, S.B.C. 1975, c. 37.</i> |
| 16 | Costs of Accused on Acquittal | June 24, 1974 | |
| 17 | Procedure Before Statutory Bodies | Nov. 18, 1974 | |
| 18 | A Procedure for Judicial Review of the Actions of Statutory Bodies | Dec. 12, 1974 | <i>Judicial Review Procedure Act, S.B.C. 1976, c. 25.</i> |
| 19 | Annual Report, 1974 | Jan. 1, 1975 | Not applicable. |
| 20 | Costs of Successful Unassisted Lay Litigants | Apr. 21, 1975 | |
| 21 | The Termination of Agencies | Apr. 21, 1975 | |
| 22 | Powers of Attorney and Mental Incapacity | May 12, 1975 | |
| 23 | Personal Property Security | Oct. 27, 1975 | |
| 24 | Security Interests in Real Property: Remedies on Default | Dec. 1, 1975 | <i>Miscellaneous Statutes (Court Rules) Amendment Act, S.B.C. 1976, c. 33, s. 94 (a) [in part]; Supreme Court Rules, Rule 50 (11), 3 (2) [in part] Land Titles Act, S.B.C. 1978, c. 25 [in part].</i> |
| 25 | Annual Report, 1975 | Jan. 1, 1976 | Not applicable. |
| 26 | Minors' Contracts | Feb. 24, 1976 | |
| 27 | Extra-Judicial Use of Sworn Statements* | Apr. 26, 1976 | <i>See, e.g., Mineral Act, 1977, S.B.C. 1977, c. 54, s. 20 (2).</i> |
| 28 | Rule in <i>Bain v. Fothergill</i> | June 28, 1976 | <i>Conveyancing and Law of Property Act, S.B.C. 1978, c. 16, s. 33.</i> |
| 29 | Annual Report, 1976 | Dec. 31, 1976 | Not applicable. |
| 30 | The Rule in <i>Hollington v. Hewthorn</i> | Jan. 11, 1977 | <i>Evidence Amendment Act, 1977, S.B.C. 1977, c. 70.</i> |

* Report is out of print.

| No. | Title | Date | Recommendations Implemented in Whole or in Part by |
|-----|---|---------------|---|
| 31 | Waiver of Conditions Precedent in Contracts | Apr. 25, 1977 | <i>Attorney-General Statutes Amendment Act, 1978, S.B.C. 1978, c. 11, s. 8.</i> |
| 32 | Proof of Marriage in Civil Pro- ceedings | Apr. 25, 1977 | |
| 33 | The <i>Statute of Frauds</i> _____ | June 24, 1977 | <i>Attorney-General Statutes Amendment Act, 1978, S.B.C. 1978, c. 11, s. 8.</i> |
| 34 | Tort Liability of Public Bodies... | June 28, 1977 | |
| 35 | <i>Offences Against the Person Act, 1828, Section 28</i> _____ | Aug. 8, 1977 | <i>Attorney-General Statutes Amendment Act, 1978, S.B.C. 1978, c. 11, s. 8.</i> |
| 36 | Annual Report, 1977_____ | Jan. 1, 1978 | |
| 37 | <i>Absconding Debtors Act</i> and <i>Bail Act: Two Obsolete Acts</i> _____ | Mar. 17, 1978 | <i>Attorney-General Statutes Amendment Act, 1978, S.B.C. 1978, c. 11, s. 8.</i> |
| 38 | The <i>Replevin Act</i> _____ | May 19, 1978 | |
| 39 | The <i>Attachment of Debts Act</i> _____ | Oct. 27, 1978 | Not applicable. |
| 40 | Execution Against Land_____ | Oct. 27, 1978 | |

Appendix B

MATTERS UNDER CONSIDERATION BY LAW REFORM COMMISSION OF BRITISH COLUMBIA

1. Debtor-Creditor Relationships
 - (a) Enforcement of Judgments.
 - (b) Reviewable Transactions
 - (c) Law of Guarantees
 - (d) Crown Liens
 - (e) Joint Liability
2. The Law of Damages
 - (a) Personal Injury Claims
 - (b) *Families' Compensation Act*
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 - (a) Wills and Succession
 - (b) Probate Procedure and Administration

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END