UNIVERSITY OF

# NEW BRUNSWICK LAW JOURNAL

VOLUME 17 1967

# LAW JOURNAL

## LAW SCHOOL

#### CONTENTS

#### **ARTICLES**

MENTAL ARNORMALITY AND THE

	CRIMINAL LAW	
THE	RIGHTS OF THE DEFAULTING	
	CONTRACTOR IN RESPECT OF	
	SERVICES RENDERED AND	
	GOODS SUPPLIED BEFORE	
	BREACH	30
THE	PRESUMPTION OF	
	UNDUE INFLUENCEBasil D. Stapleton	4
"RES	STITUTIO IN INTEGRUM"	
	IN EQUITABLE RESCISSION	6

### THE UNIVERSITY OF NEW BRUNSWICK

## **FACULTY OF LAW**

Somerville House Fredericton, New Brunswick COURSES LEADING TO THE DEGREE OF B.C.L.

#### THE UNIVERSITY

VISITOR TO THE UNIVERSITY ON BEHALF OF HER MAJESTY
THE HONOURABLE JOHN B. McNAIR, Q.C., B.A., B.C.L., LL.D., D.C.L.
Lieutenant-Governor of the Province of New Brunswick

#### CHANCELLOR SIR MAX AITKEN, BART.

PRESIDENT AND VICE-CHANCELLOR COLIN B. MACKAY, Q.C., B.A., LL.B., D.C.L., LL.D.

#### THE FACULTY

Dean and Professor

WILLIAM F. RYAN, Q.C., B.A., B.C.L. (U.N.B.), LL.M. (Columbia),
D.C.L. (Mt.A.)

#### **Professors**

JOSEPH W. SEARS, Q.C., B.A. (U.N.B.), B.A., B.C.L. (Oxon), LL.D. (U.N.B.) GEORGE A. McALLISTER, Q.C., M.A., B.C.L. (U.N.B.), LL.M. (Columbia) GERARD V. La FOREST, B.C.L. (U.N.B.), M.A. (Oxon), LL.M., J.S.D. (Yale)

#### Associate Professors

ALAN M. SINCLAIR, LL.B. (Dalhousie)
LL.M. (Southern Methodist and Michigan), S.J.D. (Michigan)
DANIEL M. HURLEY, B.A. (St. Thomas), B.C.L. (U.N.B.), LL.M. (London)

#### Assistant Professors

EUGENE J. MOCKLER, B.A., B.C.L. (U.N.B.), LL.M. (Michigan)
ALAN D. REID, B.A., B.C.L. (U.N.B.), LL.M. (Yale)

#### Lecturers

G. KEITH ALLEN, B.A., B.C.L. (U.N.B.)

HIS HONOUR C. J. A. HUGHES, B.A. (U.N.B.)

Judge of the York County Court

GORDON PETRIE, B.A., B.C.L. (U.N.B.), LL.M. (Michigan)

EDITH G. McLEOD, B.A., LL.D.

Registrar

C. L. MAHAN

Comptroller

### JUSTICE

Man's capacity for justice makes democracy possible; but man's inclination to injustice makes democracy necessary.

REINHOLD NIEBUHR

HON. BERNARD A. JEAN, Q.C.

MINISTER OF JUSTICE AND ATTORNEY GENERAL

PROVINCE OF NEW BRUNSWICK

# UNIVERSITY OF NEW BRUNSWICK LAW JOURNAL

VOL. XVII

May, 1967

## HONORARY EDITOR HON. BERNARD A. JEAN, Q.C.

## EDITOR-IN-CHIEF BASIL D. STAPLETON

#### EDITORIAL AND BUSINESS STAFF

John G. Bryden			-	-	-		-	-	-			-	-	Assistant Editor	
Charles S. Shanno	on	-			-	-				-	-		-	Business	Manager
Levi E. Clain					-		-	-	-	-		-	C	irculation	Manager

#### FACULTY ADVISER

Professor Gerard V. La Forest

Published during the academic year by the University of New Brunswick Law Students' Society Somerville House, Fredericton, N.B.

Advertising rates may be obtained by writing the Business Manager c/o Somerville House, Fredericton, N.B.