UNIVERSITY OF

NEW BRUNSWICK LAW JOURNAL

VOLUME 13 1961

UNIVERSITY OF NEW BRUNSWICK

LAW JOURNAL

VOL. XIII

May, 1961

CONTENTS

| EVIDENCE AND CIVIL LIBERTIES J. D. Morton | 7 |
|--|----|
| SOME ASPECTS OF WORKMEN'S COMPENSATION | |
| IN NEW BRUNSWICK Daniel M. Hurley | 18 |
| MARRIED WOMEN'S PROPERTY W. L. Hoyt | 32 |
| DRIVING WHILE INTOXICATED | |
| OR IMPAIRED David T. Hashey | 43 |
| CASE AND COMMENT | 56 |
| Conveyancing — Delivery of Deed — Escrow (K. R. Allen). | |
| BOOK REVIEWS | 60 |
| MORTON, Cases and Materials on Evidence; CASTEL, Cases and Materials on Conflict of Laws (Daniel M. Hurley). | |

The University of New Brunswick

FACULTY OF LAW

Somerville House

Fredericton, New Brunswick

COURSES LEADING TO THE DEGREE OF B.C.L.

FACULTY

Dean of the Faculty

WILLIAM F. RYAN, B.A., B.C.L. (U.N.B.), LL.M. (COL.)
Professor

CONTRACTS, CONFLICT OF LAWS, JURISPRUDENCE, TAXATION

Professor of Law

G. A. McALLISTER, B.A., M.A., B.C.L. (U.N.B.), LL.M. (COL.)

Professor

TORTS, CONSTITUTIONAL AND ADMINISTRATIVE LAW, LANDLORD AND TENANT, MORTGAGES AND SURETYSHIP, LABOUR LAW

Professor of Law

J. W. SEARS, B.A. (U.N.B.), (OXON), B.C.L. (OXON) LL.D. (U.N.B.)
COMMERCIAL LAW, JUDICIAL REMEDIES

Associate Professor of Law

G. V. LA FOREST, B.C.L. (U.N.B.), M.A. (OXON)

Professor

REAL PROPERTY, INSURANCE, EVIDENCE, PUBLIC INTERNATIONAL LAW, CREDITORS' RIGHTS, ESTATES

Assistant Professor of Law

DANIEL M. HURLEY, B.A., (ST. THOMAS), B.C.L. (U.N.B.), LL.M. (LONDON)

Professor

CRIMINAL LAW, CORPORATIONS, PRACTICE

Lecturers

J. C. McNAIR, B.A., M.A. (U.N.B.), LL.B. (DAL.) PERSONAL PROPERTY

R. C. STEVENSON, B.A. (U.N.B.), LL.B. (DAL.) AGENCY

UNIVERSITY OF NEW BRUNSWICK LAW JOURNAL

Vol. XIII

May, 1961

HONORARY EDITOR-IN-CHIEF RT. HON. LORD BEAVERBROOK

HON. L. J. ROBICHAUD, Q.C., Attorney General

EDITOR-IN-CHIEF BRIAN W. KEMPSTER

EDITORIAL AND BUSINESS STAFF

| Robert | Dykes | Business | M | anager |
|--------|--------|--------------|----|--------|
| David | Covert | Pro | of | Editor |

FACULTY ADVISER Professor Daniel M. Hurley

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.

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 J. LEONARD O'BRIEN, LL.D.
Lieutenant-Governor of the Province of New Brunswick

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

THE FACULTY

RECTOR LADY BEAVERBROOK

Dean and Professor

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

Honorary Visiting Professor
HON, IVAN C. RAND, Q.C., B.A., LL.B., D.C.L., LL.D.

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, M.A., B.C.L. (U.N.B.), LL.M. (Columbia) GERARD V. La Forest, B.C.L. (U.N.B.), M.A. (Oxon)

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)

Lecturers

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

PAUL S. CREAGHAN, B.Com. (St. F.X.), LL.B. (Dalhousie), LL.M. (Harvard)

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

J. IAN M. WHITCOMB, B.A. (U.N.B.), B.C.L. (U.N.B.), LL.M. (Michigan)

EDITH G. McLEOD, B.A.

Registrar

C. L. MAHAN

Comptroller