UNIVERSITY OF

NEW BRUNSWICK LAW JOURNAL

VOLUME 10 1957 UNIVERSITY OF NEW BRUNSWICK

LAW JOURNAL

VOL. X

May, 1957

CONTENTS

SECTIONS OF THE CANADIAN BAR ASSOCIATION	7
THE VICARIOUS LIABILITY OF A MASTER FOR THE TORTS OF HIS SERVANT Wallace D. Macaulay	10
RIGHTS OF LANDOWNERS IN NEW BRUNSWICK RESPECTING WATER IN STREAMS ON OR ADJOINING THEIR LANDS	21
THE ENFORCEMENT OF COLLECTIVE AGREEMENTS E. N. McKelvey	31
LE PREMIER JUGE ACADIEN AU NOUVEAU-BRUNSWICK Joseph Daigle	39
CASE AND COMMENT	42

Income tax—purchase and resale by company officer in private capacity—"an adventure or concern in the nature of trade" (H. McConnell); Insurance—forfeiture—election to defend—non-waiver agreement—joinder as third party (D. M. Hurley); Intestate succession—the right to elect dower—sections 21, 23 and 32, Devolution of Estates Act (L. Holman).



The University of New Brunswick FACULTY OF LAW

Beaverbrook House
Saint John, 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.), I.L.M. (COL.)

Professor

NTBACTS, COPPORATIONS, CONSTITUTE OF LAWS, UNISSERVED AND ACCOUNTS OF LAWS.

CONTRACTS, CORPORATIONS, CONFLICT OF LAWS, JURISPRUDENCE, INSURANCE, 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

Associate Professor of Law

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

Professor

PROPERTY 1, CRIMINAL LAW, COMMERCIAL LAW

Secretary and Registrar
M. LOUISE LYNCH, B.C.L. (U.N.B.)

Lecturers

J. PAUL BARRY, Q.C., B.C.L. (U.N.B.) CRIMINAL PROCEDURE

L. G. HOAR, B.A., B.C.L. (U.N.B.)
JUDICIAL REMEDIES AND ELEMENTS OF ENGLISH LAW

DONALD M. GILLIS, B.A. (ACADIA), B.C.L. (U.N.B.) EVIDENCE, PRACTICE

> JOHN P. PALMER, B.C.L. (U.N.B.) WILLS AND INTESTACY

NORWOOD CARTER, B.A. (McGILL), M.A., B.C.L. (OXON) EQUITY, TRUSTS

REGINALD D. KEIRSTEAD, B.A. (MT. ALLISON), B.C.L. (U.N.B.)

Judge of the Saint John County Court

DOMESTIC RELATIONS

WALLACE D. MACAULAY B.Sc., (U. N. B.), B. C. L., (U. N. B.), LL.M. (London)
AGENCY

Courses given in Fredericton, N. B.

Professor of Law

J. W. SEARS, B.A. (U.N.B.), (OXON), B.C.L. (OXON), LL.D. (U.N.B.) TORTS, CONTRACTS, PROPERTY, JUDICIAL REMEDIES

Lecturer

RALPH V. LIMERICK, Q.C., B.A. (U.N.B.) CRIMINAL LAW



COMPLIMENTS OF HIS WORSHIP THE MAYOR AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF SAINT JOHN

THE CITY WITH THE ALL-YEAR ROUND PORT
THE FIRST INCORPORATED CITY IN CANADA

THE STUDY OF LAW—

At the Law School in Saint John, continuing the distinguished tradition begun in 1892.

On the Fredericton campus, where the complete first year of the law course is now available as part of the B.A. program.

ALSO ARTS, SCIENCE, FORESTRY, ENGINEERING, EDUCATION, BUSINESS ADMINISTRATION, POST GRADUATE SCHOOL, AND SUMMER SESSION.

For information write to the Registrar

University of New Brunswick

FREDERICTON, N. B.

UNIVERSITY OF NEW BRUNSWICK LAW JOURNAL

Vol. X

May, 1957

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

HON. W. J. WEST, Attorney General

ASSOCIATE EDITORS-IN-CHIEF
DANIEL M. HURLEY
DONALD F. MacGOWAN

EDITORIAL AND BUSINESS STAFF

H. J. McInerney Business Mgr.

Rheal Martin Advertising Mgr.

FACULTY ADVISER Professor G. V. La Forest

Published during the academic year
by the University of New Brunswick Law Students' Society,
Beaverbrook House, Saint John, N. B.

Advertising rates may be obtained by writing the Business Manager, c/o Beaverbrook House, Saint John, N. B.