

Williamson explains

(continued from p. 3)

made service vehicle access very difficult. Williamson said the Phys. Ed. department has been a great help in making people aware of the rules.

He said that all illegally parked cars are treated the same regardless of owner, noting that a tow truck had recently been called to remove a dean's car.

Williamson said there was no charge to the university for having a car towed away, nor did UNB receive any part of the recovery fee.

A representative of Jack's Wrecker Service, which stores, but does not tow vehicles, from the campus said it costs \$25 to get a vehicle back. Of this, \$20 goes to the towing company. A daily storage charge of \$1.50 to cover insurance costs is usually waived if the vehicle is reclaimed after only a few days.

UNB's assistant vice-president of administration and campus planning Eric

Garland said tow-away zones were clearly marked by signs at the beginning of this term. He added that it has always been the case that, when a car is registered with campus security, the owner is provided with information on UNB's parking regulations. He emphasized the fact that these regulations are in effect 24 hours a day with the exception of the student/faculty/staff lot designations which are void after 6 p.m. each day.

Garland said parking violations have been on the increase in recent years and the problem has been accentuated by a seven-man reduction in the Security force during the past three years. Chief Williamson echoed this point, saying the two men now enforcing parking regulations catch only a small number of offenders.

Enquiries on parking regulations should be directed to Campus Security at 453-4830.

Stacey gives views on SUB

By SUSAN REED
Staff Writer

the Student Union Building, says Director Cindy Stacey, as it is in shabby condition and must be refurbished.

Something has to be done about

The building cannot generate enough money on its own to pay for its upkeep, said Stacey. Students are the principle users of the building, she said, and cannot be charged for its use.

Money is made through leasing of the premises, Stacey said, but what is made is spent.

Stacey said there are two options. The first would be to increase student fees in order to have a fund to draw on for repairs.

The second is to include the SUB in the overall university operating budget, which Stacey mentioned in a brief presented to the SUB Board. The subject was introduced to the board, said Stacey, to ask its permission to discuss the problem with the university.

The original cost of the building was shared on an equal basis between the university and the students of UNB and STU. Fifteen dollars of the student activity fee is spent on the SUB's initial mortgage.

The time has come to think about the building, said Stacey, adding the students should take more interest in it.

The problem she said is that the SUB is not a novelty. The present students don't know how cramped things were in the old building, she said, or that a lot of students worked very hard to get it built and invested a lot of student money in the process.

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This Weekend
GUINNESS

Traditional Irish music Come down
for the matinee Sat. 3-5pm

Next Week

The funny folk trio

NEW FOLK REVIVAL

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Monday, Tuesday & Wednesday

Happy days 11:30-1:00am

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Graduating Students — Encaenia

Students who expect to graduate at Encaenia in May, 1980, must (if they have not already done so) complete an 'application for Graduation'.

These are available at the Registrar's Office and should be completed immediately. (Students who expect to receive a Post-graduate diploma, Master's or Doctoral degree should check with the School of Graduate Studies.)

Office of the Registrar

Legal Lite

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WE RESERVE THE RIGHT...

Have you ever seen a sign like "We Reserve the Right to Inspect All Packages on Leaving" as you entered a store and wondered what "right" the management was purporting to "reserve". This note will attempt to give an overview of the rights of customers and store management in such a situation.

Most shoppers whether or not they have actually seen such a sign as they entered, will grudgingly consent to having their packages searched; and if they consent they confer upon store management the "right" to do the search.

Whether store management can search in the absence of such consent will depend on particular circumstance.

Situation 1: Assume the store has not posted a conspicuous sign at its entrance "reserving the right" to search. In such a situation apart from any considerations arising from shoplifting, (see Situations #3 and #4 below) there is almost certainly no right to search a customer's packages on leaving. This would also be true where there was such a sign at the entrance but it was not conspicuous enough to be reasonably noticeable, and also where the only conspicuous sign at the exit. Should a customer in such a situation refuse to be searched, then he could be required to leave the store but he could not lawfully be searched.

Situation 2: Assume the store has posted a conspicuous sign at the entrance purporting to reserve search rights (an inconspicuous entrance sign which the customer actually noticed would amount to the same thing.) In such a situation it is probably fair to say that, by voluntarily entering the premises knowing that he was invited there only upon condition that he submit to a search, the customer has tacitly consented to the condition. The real difficulty is whether, if he nonetheless refuses he can be lawfully searched against his will.

One might characterize the legal relationship of store management and customer as one of implied contract. If this were the case, then the customer, by breaching the contract in refusing to be searched, might render himself civilly liable for nominal damages; but he could not be searched. Alternatively one might characterize the essential legal relationship in terms of trespass: that the store had opened its doors only to those who govern themselves according to the sign at the entrance and that, by refusing to do so the customer became, in effect, a trespasser. But again, though the store might sue for nominal damages for trespass, I cannot see how it could lawfully force a search.

But what if, instead of being searched, the customer is simply detained until he "voluntarily" agrees to have his packages inspected? This sounds like false imprisonment. One leading Canadian legal writer has, however, suggested that if the store were sued for false imprisonment on the basis of such facts, then it could successfully argue in defense that the customer, having seen the sign and entered the store nonetheless, had impliedly consented to be detained until he complied with the entrance condition. The legal key to the situation may therefore be that store authorities could not forceably search a customer but they could reasonably detain him until he voluntarily submitted his parcels for inspection.

Situation 3: Assume store management sees a customer doing an act which appears to constitute shoplifting. In such case, the person who has seen the act can make a citizen's arrest. Incidental to the right to arrest is the right to conduct a reasonable search. But whether searching for shoplifted goods (as opposed to, say, concealed weapons) would be reasonable in situation where the customer might be quickly turned over to the police is a matter of some doubt. It may well be that such a civilian search, based on a reasonable suspicion of stolen goods would in fact be lawful. In any event, such a search right would be part of the general public law and would not in any way depend upon the posting of a sign.

Situation 4: Assume the civilian person making the arrest in Situation 3 is not the same person who has seen the apparent theft. In such a case the arrest (unless by a peace officer) would not be legal, so there could be no question of a legal search. Security guards, commissionaires and other such people in funny uniforms are not peace officers in New Brunswick.

D.G. Bell

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 care of Legal Lite at the Brunswick office in the SUB or on the first floor of the Law School, Ludlow Hall. The authors reserve the right to rephrase questions to fit a general information format. Legal Lite this week D.G. Bell and W. Rikard.

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