

Index

ABDICATION OF LEGISLATIVE POWER

See LEGISLATIVE POWER

ABEL A.S.

Matter, on, **15:5**

Uniformity of law, on, **8:5**

ABORIGINAL PEOPLES OF CANADA

See also ABORIGINAL RIGHTS,
INDIANS AND INDIAN LANDS

Customary law, **2:1**

Definition of, **28:2, 28:31**

Eskimos (Inuit), **28:2**

Indian, **28:2, 28:4, 28:31, 37:4, 55:1, 55:2, 55:34, 55:39**

Inuit, **28:2**

Metis, **15:27, 28:2, 28:17, 28:19, 28:31, 55:32**

Non-status Indians, **28:2**

Participation at constitutional conferences, **28:28, 28:41, 28:42**

Representation on jury, **51:23**

Rights of

See ABORIGINAL RIGHTS

ABORIGINAL RIGHTS

Aboriginal peoples of Canada

See ABORIGINAL PEOPLES OF CANADA

Aboriginal rights, **28:3, 28:18 to 28:22, 28:33**

Aboriginal title, **28:3, 28:20, 28:21, 28:32**

Administrative tribunal, power to determine, **7:1, 28:9, 28:18, 40:26**

Affirmative action, **55:32**

Common law, at, **28:19**

Consent to infringement, **28:21**

Constitutional protection of, **28:12, 28:28, 28:29 to 28:39, 28:41**

Consultation

by Crown, **28:21, 28:38**

by regulatory agency, **28:38**

Customary law, survival, **2:1, 28:19**

Evidence of, **28:21, 60:8 to 60:13**

ABORIGINAL RIGHTS—Cont'd

Extinguishment of, **28:3, 28:9, 28:14, 28:20 to 28:22, 28:26, 28:29 to 28:39, 28:34, 28:36**

Forestry, **28:19, 28:26, 28:38**

Gaming laws, **28:20**

Heritage property, **15:24, 21:19**

History of, **4:3, 4:20, 28:18, 28:24**

Honour of the Crown, **28:39**

Hunting and fishing, **28:6, 28:9, 28:11, 28:17, 28:19, 28:24, 28:26, 28:31, 28:33 to 28:35, 55:32**

Language, **28:18, 28:19, 56:1**

Metis rights, **28:19, 28:31, 28:39**

Progressive interpretation of treaties, **28:26**

Property, **15:24, 21:19, 28:2, 28:3, 28:9**

Provincial laws, effect of, **28:29 to 28:39**

Quebec secession, effect of, **5:25**

Recognition of, **28:19, 28:34**

Religion, **28:19**

Remedies for breach, **28:39**

Self-government, **4:20, 28:20, 28:42**

Self-help remedies, **28:39**

Sexual equality, **28:2**

Treaty rights, **10:1, 28:6, 28:12, 28:14, 28:16, 28:23 to 28:27, 28:33, 28:35, 28:38**

ABORIGINAL TITLE

See INDIANS AND INDIAN LANDS,
NATIVE RIGHTS

ABORTION

Mootness, **59:8**

Standing, **59:5**

United States, in

See AMERICAN BILL OF RIGHTS

Validity of regulation, **15:10, 18:8, 18:18, 32:2, 32:6, 37:12, 47:6, 47:8, 47:12**

ABSOLUTE LIABILITY

See FUNDAMENTAL JUSTICE

ACCESS TO GOVERNMENT

See EXPRESSION

ACT OF SETTLEMENT

Generally, **1:4, 7:3**

ADMINISTRATION OF JUSTICE

Civil procedure

See CIVIL PROCEDURE

Corrections

See CRIMINAL LAW

Courts

See COURTS

Criminal justice, includes, **19:8 to 19:13, 19:15**

Criminal law

See CRIMINAL LAW

Criminal procedure

See CRIMINAL PROCEDURE

Definition, **7:1**

Description of law, **7:1 to 7:20**

Disrepute, bringing into, **42:5 to 42:11**

Extraterritorial restriction

See EXTRATERRITORIAL COMPETENCE

Judges

See JUDGES

Legal profession, **15:7**

Legislative power over, **7:1 to 7:9**

Police

See POLICE

Prosecutions

See CRIMINAL LAW

Unitary character, **5:15, 7:1, 8:5, 16:8**

ADMINISTRATIVE LAW

See JUDICIAL REVIEW OF ADMINISTRATIVE ACTION

ADMINISTRATIVE MONETARY PENALTY

See CRIMINAL LAW

ADMINISTRATIVE TRIBUNAL

Bias

See BIAS

Charter applicable to

See CHARTER OF RIGHTS

Constitutional limitations on establishment, **7:15, 7:19, 7:20**

Constitutional questions, power to decide, **7:1, 7:19, 18:18, 28:9, 28:18, 40:16, 40:26 to 40:29**

Consult with aboriginal people, power to, **28:38, 40:26**

ADMINISTRATIVE TRIBUNAL

—Cont'd

Court of competent jurisdiction, as, **40:16, 40:26**

Criminal law power, establishment under, **18:18**

Delay by, **47:9, 47:12**

Fair procedures, **7:1, 47:38**

Independence, **7:8, 7:9, 15:29**

Judicial power, exercise by, **7:15, 7:19, 7:20**

Judicial review

See JUDICIAL REVIEW OF ADMINISTRATIVE ACTION

Language in

See LANGUAGE

Law, power to decide questions of, **40:16, 40:27**

Natural justice

See NATURAL JUSTICE

Privative clause

See PRIVATIVE CLAUSE

Reasons for establishment, **7:19**

Severance of decisions, **15:14, 42:6, 47:16 to 47:18**

ADMINISTRATOR

Governor General, in place of, **9:3**

ADMIRALTY LAW

Generally, **7:11, 22:12**

ADOPTION OF CHILDREN

Generally, **7:16, 7:19**

ADOPTION OF LAWS

Conflict of laws, by, **13:14**

Contract, by, **10:15**

English law

See ENGLISH LAW IN CANADA

French law

See FRENCH LAW IN CANADA

Indian Act, s. 88, **28:13**

Inter-delegation

See INTER-DELEGATION

Statute binding Crown, **10:15, 10:19**

ADVERTISING

See EXPRESSION

ADVISORY OPINION

See REFERENCE

INDEX

AERONAUTICS

- Aerodrome, location, **15:5, 15:18, 22:14, 22:15**
- Airport, construction, **15:18**
- Economic regulation, **22:14**
- Federal power over, **17:2, 22:13 to 22:15**
- Interjurisdictional immunity, **22:15**
- Labour relations, **21:11**
- Local airline, **22:14, 22:20**
- Navigational regulation, **22:14**
- Provincial regulation, **22:15**
- Taxation of aircraft, **13:4, 15:18, 22:15, 31:18**
- Vital part, **15:18, 22:15**

AFFIRMATIVE ACTION

- See EQUALITY

AGE

- See EQUALITY

AGENCY

- See ADMINISTRATIVE TRIBUNAL

AGENCY SHOP

- See LABOUR RELATIONS

AGRICULTURE

- Agricultural workers
 - See LABOUR RELATIONS
- Concurrent power over, **15:25, 26:1**
- Property and civil rights, relation to, **29:4**
- Scope, **25:7**
- Unionization of workers, **35:2, 37:7, 38:20, 44:4**
- Zoning of land, **15:5, 15:18, 25:7**

AIR

- See AERONAUTICS, EXTRATERRITORIAL COMPETENCE

ALBERTA

- Bill of rights
 - See ALBERTA BILL OF RIGHTS
- Creation of province, **1:6, 2:9**
- Crown in right of, liability of
 - See CROWN
- Fiscal capacity, **6:6**
- Language rights in, **34:1, 58:8**
- Natural resources agreement
 - See NATURAL RESOURCES AGREEMENTS
- Reception of law, **2:2 to 2:4, 2:9**
- Region, as, **5:6**

ALBERTA—Cont'd

- Responsible government, **9:2**
- Tax agreements
 - See TAX AGREEMENTS

ALBERTA ACT

- Generally, **1:6, 12:9**

ALBERTA BILL OF RIGHTS

- Generally, **1:6, 31:8, 31:9, 36:18 to 36:24**

ALIEN

- See CITIZEN, EQUALITY, NATURALIZATION AND ALIENS

ALIMONY

- Generally, **27:8**

AMENDMENT OF CONSTITUTION

- Aboriginal participation
 - See ABORIGINAL PEOPLES OF CANADA
- Australia, **4:5, 4:21, 5:23**
- Charter of Rights
 - See CHARTER OF RIGHTS
- Compensation for opting out, **4:2, 4:12**
- Constitution of Canada
 - See CONSTITUTION OF CANADA
- Constitution of the province
 - See CONSTITUTION OF THE PROVINCE
- Culture in relation to, **4:2, 4:12**
- Education in relation to, **1:4, 4:2, 4:12**
- Federalism in relation to, **5:19, 5:23**
- Future amendments, **4:20 to 4:23**
- General amending procedure, **4:8 to 4:15, 4:23**
- Governor General
 - in relation to, **4:6, 4:16, 14:8**
 - proclamation by, **4:9**
- History of Part V, **1:2, 4:1 to 4:3**
- House of Commons, in relation to, **4:14, 4:16, 4:18**
- Imperial Parliament, by, **1:2, 3:4, 3:9**
- Initiation of, **4:9, 4:10**
- Judicial adaptation
 - See INTERPRETATION OF CONSTITUTION
- Language in relation to, **4:6, 4:16, 4:18, 4:19, 56:3, 56:4 to 56:8**
- Lieutenant Governor, in relation to, **4:6, 4:16, 4:19, 5:9, 12:10, 14:8, 14:9**
- Ministers, role of, **4:15**

AMENDMENT OF CONSTITUTION

—Cont'd

- Native rights, affecting, **28:41**
- New provinces, establishment, **1:6, 4:14**
- Opting out, **1:11, 4:2, 4:9, 4:11, 4:13, 4:22, 4:23, 5:4, 57:2**
- Parliament alone, by, **1:4, 1:6, 4:7, 4:18**
- Past amendments, **15:27**
- Patriation
 - See PATRIATION
- Procedures before, 1982, **1:2, 4:1 to 4:3**
- Provinces, role of, **1:12, 4:1 to 4:3, 4:8 to 4:15, 5:6**
- Provincial boundaries, in relation to, **4:14**
- Provincial Legislature alone, by, **1:7, 4:6, 4:7**
- Quebec role of, **1:11, 1:12, 4:3, 4:4 to 4:7, 4:8, 4:15, 4:17, 4:19, 4:20**
- Queen, in relation to, **3:1, 4:6, 4:16, 9:24, 12:10**
- Regional veto formula, **4:3, 4:8, 4:15**
- Revocation of province's assent or dissent, **4:3, 4:11, 4:13**
- Royal assent, **4:6, 4:16**
- Secession
 - See SECESSION
- Senate
 - approval dispensable, **4:3, 4:8, 9:10**
 - in relation to, **4:14, 4:18, 9:6, 9:10, 12:10, 14:9**
- Succession to throne, **1:4, 9:3**
- Supreme Court of Canada, in relation to, **1:4, 4:6, 4:14, 4:16, 8:1, 8:2, 8:14**
- Time limit on ratification, **4:3, 4:9, 4:16, 4:23**
- Unanimity procedure, **4:16, 4:23**
- United States, **4:5, 5:23**

AMERICAN BILL OF RIGHTS

- See also UNITED STATES
- Abortion, **36:5, 47:14**
- Affirmative action, **55:3, 55:32**
- Agency shop arrangement, **44:8**
- Assembly, **44:2**
- Association, **44:3**
- Bail, **51:18**
- Compellability of accused, **51:6**
- Contraception, **47:14**
- Corporations, and, **37:2**
- Counsel, right to, **36:5, 50:6, 50:15**

AMERICAN BILL OF RIGHTS—Cont'd

- Cruel and unusual punishment, **36:5, 53:1, 53:7**
- Death penalty, **53:7**
- Defamation, **43:28**
- Definition, **12:3, 34:2, 36:5**
- Double jeopardy, **16:8, 51:27**
- Due process
 - See DUE PROCESS
- Eighth amendment, **36:5, 51:18, 53:1, 53:7**
- Enforcement by Congress, **40:31**
- Equal protection, **36:5, 37:10, 45:2, 46:3, 55:3, 55:13**
- Equal rights amendment, **55:49**
- Evidence obtained in violation of, **36:5, 41:2, 41:4, 41:11, 41:13**
- Ex post facto laws, **51:26, 51:31**
- Federal government, application to, **37:6**
- Fifteenth amendment, **36:5, 45:2**
- Fifth amendment, **16:8, 36:5, 46:8, 47:2, 47:10, 50:6, 51:6, 51:13, 51:27, 54:1**
- First amendment, **36:5, 37:11, 41:2, 41:7, 43:6, 43:28 to 43:30, 44:2, 44:3, 44:8**
- Fourteenth amendment, **5:21, 16:8, 36:5, 37:6, 37:10, 46:3, 47:2, 47:10, 47:13, 51:13, 55:3**
- Fourth amendment, **48:3, 48:5 to 48:12, 48:17, 49:1**
- Information of charge, **51:4**
- Innocence presumption of, **51:13**
- Interpretation, **36:4 to 36:7**
- Japanese Americans case, **38:32**
- Jury, **51:13, 51:19, 51:22, 51:23**
- Limitation clause, lacks, **38:1, 55:3**
- Nineteenth amendment, **45:2**
- Ninth amendment, **36:30**
- Non-compellability of accused, **51:6**
- Override power, lacks, **36:7**
- Police caution, **50:6**
- Pornography, **43:29**
- Privacy, **48:5 to 48:12**
- Property protection, **47:13**
- Public forum, **43:30**
- Public trial, **51:13**
- Religion, **42:2, 42:8, 42:9**
- Remedy for breach, **40:17**
- School desegregation, **36:5**
- School prayers, **36:5, 42:8**

INDEX

AMERICAN BILL OF RIGHTS—Cont'd

- Search or seizure, **48:3, 48:5 to 48:12, 48:14, 48:17, 49:1**
- Self-incrimination, **37:2, 51:6, 54:1**
- Sentencing, **53:4**
- Silence, right of, **36:5, 50:6**
- Sixth amendment, **36:5, 50:15, 51:13, 51:19, 51:22, 51:23**
- Slavery amendments proscribing, **36:5, 37:13**
- Speech, **37:5, 43:6, 43:28 to 43:30**
- Speedy trial, **52:1**
- State action, **37:11, 37:13**
- State aid to denominational schools, **42:9**
- States application to, **37:6**
- Thirteenth amendment, **36:5, 37:6**
- Travel right to, **46:2, 46:3**
- Twenty-fourth amendment, **45:2**
- Twenty-sixth amendment, **45:2**
- Vote, right to, **36:5, 45:2**

AMERICAN DECLARATION OF THE RIGHTS AND DUTIES OF MAN

- Generally, **36:20**

AMICUS CURIAE

- Generally, **59:12, 59:13**

ANCILLARY JURISDICTION

- Generally, **7:11**

ANCILLARY POWER

- Generally, **15:5, 15:23, 15:24**

ANTI-TRUST

- See **COMPETITION**

ANYONE

- Generally, **37:2**

APPEAL

- See **COURTS**

APPLICATION FOR JUDICIAL REVIEW

- See **REMEDY**

APPROPRIATION

- Generally, **6:8, 9:16, 10:13, 10:21, 55:16**

ARBITRARINESS

- See **FUNDAMENTAL JUSTICE**

ARBITRARY DETENTION OR IMPRISONMENT

- Arbitrary, **49:3 to 49:11**

ARBITRARY DETENTION OR IMPRISONMENT—Cont'd

- Arrest
 - See **ARREST**
- Canadian Bill of Rights, under, **49:1**
- Charter under, **49:1 to 49:11**
- Cruel and unusual compared, **53:3**
- Detention
 - See **DETENTION**
- Illegal, **49:9**
- Procedural standards, **49:10**

ARISTOTLE

- Equality, on, **55:10 to 55:12**

ARMED FORCES

- Court martial
 - See **MILITARY TRIBUNAL**
- Disciplinary procedures, **7:6, 51:3**
- Dismissal of member, **10:11**
- Education, **57:3**
- Equal treatment
 - See **EQUALITY**
- Legislative power over, **17:8**
- Loss of services, action for, **15:24, 18:13**
- Provincial law, application to, **15:19**
- Trial of member
 - See **MILITARY TRIBUNAL**

ARREST

- Arbitrary
 - See **ARBITRARY DETENTION OR IMPRISONMENT**
- Citizen's arrest, **37:8, 37:13**
- Counsel, right to
 - See **COUNSEL, RIGHT TO**
- Definition, **50:2, 50:3**
- Detention
 - See **DETENTION**
- Dwelling house in, **40:4, 48:21, 48:22**
- Hot pursuit, following, **48:21, 49:3 to 49:8**
- Police powers, **49:3 to 49:11, 50:2, 50:3**
- Reasons, right to, **50:4**
- Search or seizure incident to, **37:12, 48:2, 48:21 to 48:23, 49:3 to 49:8**
- Warrant, requirement of, **40:4, 48:21**

ASSEMBLY

- Charter protection, **18:19, 44:2, 48:3**
- Legislative power over, **18:19, 21:4, 43:3, 44:1**

ASSISTED HUMAN REPRODUCTION

Legislative power over, **5:7, 18:2, 18:9, 18:18, 32:1**

ASSOCIATION

Charter protection, **17:3, 30:10, 37:7, 37:13, 38:20, 44:3 to 44:8**
Legislative power over, **41:1**

ASYMMETRY

See SPECIAL STATUS

ATOMIC ENERGY

Generally, **17:3, 17:4, 22:10, 30:10, 30:30**

ATTORNEY GENERAL

Action against, **10:5**
Independence, **7:6, 47:32**
Intervention in constitutional cases, **59:1, 59:12**
Minister of justice role, **36:11**
Minister of national defence, analogy, **7:6, 47:32**
Notice in constitutional cases, **17:3, 58:3, 59:12**
Police control of
 See POLICE
Prosecutions control of
 See CRIMINAL LAW
Rule of law, obligation to, **36:11**
Scrutiny of bills, **35:9, 36:11**
Standing in constitutional cases, **59:3, 59:4**

AUSTRALIA

Amendment of constitution, **4:5, 4:23**
Ancillary power, **15:24**
Civil liberties, **31:6, 31:7**
Classification of laws, **15:8**
Commerce clause, **20:1**
Compensation for property taken, **29:8**
Concurrent powers, **15:25**
Cooperative federalism, **6:10**
Criminal law, **5:9, 18:1, 19:15**
Crown liability in tort, **10:12**
Delegation, **14:5, 14:10**
Divorce
 See DIVORCE
Double jeopardy, **16:8**
Enumerated powers, **5:9, 15:23, 15:24, 20:1**
External affairs, **11:9**

AUSTRALIA—Cont'd

Extraterritorial competence, **13:3**
Federalism
 See FEDERALISM
Financial arrangements, **6:10**
Full faith and credit, **13:11**
Governors of states, appointment, **9:2**
High Court of Australia
 advisory opinions, **7:15, 8:10**
 precedent in, **2:2, 8:13**
Inconsistent laws, **15:25, 16:1, 16:5**
Inter se questions, **8:2**
Judges, appointment, **7:2**
Judicial review, **5:21**
Labour relations, **21:10**
Legislative scheme, **15:14**
Marriage and divorce, **27:1, 27:4, 27:9**
Member of Commonwealth, **3:1**
Ministry, **9:5**
Paramountcy, **15:25, 16:1, 16:5**
Premier, dismissal, **9:18**
Prime Minister, dismissal, **9:10, 9:18**
Privy Council appeals, **8:2**
Reservation of bills, **9:11**
Residuary power, **5:9, 15:24, 15:25**
Senate, **9:10**
Severance clause, **15:14**
Spending power, **6:8**
Taxation, **31:6, 31:12, 31:24**
Treaties, **11:9, 11:12**
U.K. Parliament, termination of authority, **3:4**

AUTOCHTHONY

Generally, **3:7, 3:8**

AUTOMATISM AS DEFENCE

See FUNDAMENTAL JUSTICE

AUTONOMY

See also CANADA
Generally, **3:3**

AVIATION

See AERONAUTICS

BAIL

Generally, **19:6, 36:9, 43:32, 47:29, 51:18**

BALFOUR DECLARATION

Generally, **2:12, 3:1, 3:2, 4:2, 11:10**

INDEX

BANKING

- Account, situs, **13:5**
- Australia, **5:9**
- Definition, **15:27, 24:2**
- Federal power over, **5:9, 24:1, 46:13**
- Incorporation, **23:1 to 23:5, 24:6, 24:7**
- Insurance as part of, **15:18, 24:3**
- Near-banks, **24:2, 24:3**
- Provincial law affecting, **15:5, 15:9, 15:10, 15:18, 15:20, 16:7, 24:3 to 24:5, 29:4**
- Taxation of banks, **15:5, 15:9, 15:10, 15:20, 31:18, 31:23**
- United States, **5:9**

BANKRUPTCY AND INSOLVENCY

- Adjustment of debts, **25:5 to 25:9**
- Adjustment of interest, **25:7**
- Concurrent powers, **15:7**
- Definition, **25:3 to 25:4**
- Disclaimer of assets, **16:3**
- Fresh-start provision, **16:3, 16:4, 25:3**
- Insurance regulation, **21:7**
- Legislation, **25:2**
- Power over, **25:1, 25:5, 25:6, 25:10**
- Priority of debts, **16:10, 25:10 to 25:13**
- Property and civil rights, relation to, **15:23, 25:5, 25:6, 25:10 to 25:13**
- Receiver appointment of, **16:3, 16:4**
- Statutory lien, **25:11**
- Statutory set-off, **25:13**
- Voluntary assignments, **25:14**

BAR

- See PROFESSIONS

BENNETT, PRIME MINISTER R.B

- See NEW DEAL

BENTHAM, JEREMY

- Natural rights, on, **36:13**
- Utilitarianism on, **38:2**

BIAS

- Generally, **7:5, 8:3, 8:4, 47:10, 58:6**

BILL OF RIGHTS

- See also CIVIL LIBERTIES
- Alberta Bill of Rights
 - See ALBERTA BILL OF RIGHTS
- American Bill of Rights
 - See AMERICAN BILL OF RIGHTS

BILL OF RIGHTS—Cont'd

- Bill of Rights, 1688 (Eng.), **1:9, 34:2, 58:8**
- Canadian Bill of Rights
 - See CANADIAN BILL OF RIGHTS
- Canadian Charter of Rights and Freedoms
 - See CHARTER OF RIGHTS
- Constitution Act, 1867
 - European Convention on Human Rights
 - See EUROPEAN CONVENTION ON HUMAN RIGHTS
 - explicit bill of rights lacks, **44:2**
 - implied bill of rights, **12:3, 34:7**
 - little bill of rights, **12:3, 34:5, 57:1, 57:2**
 - surreptitious bill of rights, **15:2, 34:7**
- International Covenant on Civil and Political Rights
 - See INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
- Magna Carta, 1297 (Eng.), **34:2**
- Provincial, **34:4**
- Quebec Charter of Rights and Freedoms
 - See QUEBEC CHARTER OF RIGHTS AND FREEDOMS
- Saskatchewan Bill of Rights Act
 - See SASKATCHEWAN BILL OF RIGHTS ACT
- Statutory, **34:4**
- United Kingdom lacks, **1:2, 34:2**
- Universal Declaration of Human Rights, **35:1**

BLOOD

- Collection, **48:5 to 48:12, 48:13**
- Transfusion, **42:6, 47:10, 47:26, 55:44**

BODILY SAMPLE

- See SEARCH OR SEIZURE

BOUNDARIES OF PROVINCES

- Generally, **2:7, 2:9, 13:4, 30:12, 30:13, 30:22**

BOURASSA, PREMIER R.

- Generally, **4:3**

BRANDEIS BRIEF

- See EVIDENCE

BREATH SAMPLE

- See ROADS

BRITISH COLUMBIA

Aboriginal rights in, **28:21**
 Admission to Canada, **1:5, 2:10**
 Boundaries, **13:4**
 Constitution, **1:4, 9:6(d)**
 Crown in right of, liability of
 See CROWN
 Fiscal capacity, **6:6**
 History, **2:10**
 Offshore, **13:4, 17:2, 30:12**
 Reception of law, **2:10**
 Region, as, **5:6**
 Responsible government, **2:10, 9:2**

BRITISH COLUMBIA TERMS OF UNION

Generally, **2:10**

BRITISH COMMONWEALTH

See COMMONWEALTH

BRITISH EMPIRE

Canada within
 See CANADA
 Colony within
 See COLONY
 Commonwealth, evolution to
 See COMMONWEALTH
 Dominions within
 See DOMINION
 Treaty-making, **11:2, 11:10 to 11:12**

BROADCASTING

See RADIO, TELEVISION

BURDEN OF PROOF

Charter, breach of
 See CHARTER OF RIGHTS
 Limitation of rights
 See LIMITATION CLAUSE (s. 1)
 Presumption of innocence
 See PRESUMPTION OF INNOCENCE
 Reverse onus clause
 See REVERSE ONUS CLAUSE

BY-LAW

See DELEGATED LEGISLATION

BYNG, GOVERNOR GENERAL

See KING, PRIME MINISTER W.L. McK.

CABINET

Collective responsibility, **9:7, 9:16**
 Constitution does not mention, **1:2**
 Described, **9:5, 9:13**
 Minister
 See MINISTER
 Prime Minister
 See PRIME MINISTER
 Privy Council (Canada), part of, **9:5**
 Secrecy, **7:19, 7:20, 10:5, 10:7, 15:28**
 Statutes do not mention, **1:14**
 Voting by members, **9:6**

CABINET GOVERNMENT

See RESPONSIBLE GOVERNMENT

CAISSE POPULAIRE

Banking by, **24:3**
 Incorporation, **24:6**

CANADA

Confederation
 See CONFEDERATION
 Constitution of Canada
 See CONSTITUTION OF CANADA
 Crown in right of, liability of
 See CROWN
 Definition, **5:5**
 Dominion
 See DOMINION
 Federalism
 See FEDERALISM
 Independence evolution to, **1:2, 1:9, 3:1 to 3:5**
 Member of Commonwealth, **3:1**
 Parliament
 See FEDERAL PARLIAMENT
 Provinces
 See PROVINCES
 Union
 See CONFEDERATION
 United Kingdom subordinate to, **3:1 to 3:5**
 United province of
 See UNITED PROVINCE OF CANADA

CANADA ACT 1982

Citation, **4:1**
 French version, **1:3, 56:3**
 History, **1:3, 1:11, 3:4, 3:5, 4:1, 4:2**

INDEX

CANADA ACT 1982—Cont'd

- Incorporation of Constitution Act, 1982, **1:3**
- Patriation as
 - See PATRIATION
- Termination of U.K. power over Canada, **3:4, 3:8**

CANADA ASSISTANCE PLAN

- Generally, **6:5, 6:7, 6:8, 12:9, 33:5**

CANADA EAST

- See also LOWER CANADA, QUEBEC, UNITED PROVINCE OF CANADA
- Generally, **2:6, 2:7, 5:4**

CANADA HEALTH AND SOCIAL TRANSFER

- Generally, **6:5, 6:7, 6:8, 6:10, 33:5**

CANADA PENSION PLAN

- Generally, **5:4, 6:7, 14:10, 33:3, 55:44, 55:48, 58:1**

CANADA WEST

- See also ONTARIO, UNITED PROVINCE OF CANADA, UPPER CANADA
- Generally, **2:6, 2:7, 5:4**

CANADIAN BILL OF RIGHTS

- Arbitrary detention, **49:1**
- Assembly, **44:2**
- Association, **44:3**
- Bail, **51:18**
- Charter of Rights, relation to
 - See CHARTER OF RIGHTS
- Common law, application to, **35:1**
- Companies, application to, **37:3**
- Compellability of accused, **51:6**
- Constitutional status, **1:2, 1:8, 35:1, 35:4**
- Counsel, right to, **50:1, 50:15**
- Cruel and unusual punishment, **53:1**
- Due process
 - See DUE PROCESS
- Effect, **12:10, 35:3**
- Equality before the law, **55:2, 55:14**
- Evidence obtained in violation of, **41:2**
- Exempting clause, **12:10, 17:9, 35:3, 36:7, 39:8**
- Fair hearing, **35:1, 35:7, 47:2, 47:13**
- Federal laws, application to, **1:2, 35:1, 35:2, 37:6 to 37:14**

CANADIAN BILL OF RIGHTS—Cont'd

- Fundamental justice
 - See FUNDAMENTAL JUSTICE
- History, **1:2, 34:2, 35:1**
- Indian Act, **28:2, 28:13 to 28:16, 35:3, 35:4, 55:2, 55:34, 55:39**
- Innocence presumption of, **51:13**
- Interpretation canon, as, **35:8**
- Interpreter, **56:13**
- Judicial review under, **35:3**
- Jury, **51:19**
- Military justice, **55:2, 55:14**
- Minister of Justice, duty of scrutiny, **35:1, 35:9, 40:30**
- Notwithstanding clause
 - See exempting clause
- Override power
 - See exempting clause
- Pre-confederation laws, application to, **35:1**
- Property protection
 - See PROPERTY
- Provincial law, application to, **35:1, 37:6**
- Self-incrimination, **51:6, 54:1**
- Statutory basis, **1:2, 1:4**
- War Measures Act exempted, **35:3**

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

- See CHARTER OF RIGHTS

CANADIAN HUMAN RIGHTS COMMISSION

- Powers of, **40:27**

CANADIAN PARLIAMENT

- See FEDERAL PARLIAMENT

CANALS

- Generally, **22:12**

CAPITAL

- Foreign investment, **46:12 to 46:15**
- Mobility, **46:12 to 46:15**
- Power to regulate, **46:12 to 46:15**
- Securities regulation
 - See SECURITIES REGULATION

CAPITAL PUNISHMENT

- See DEATH PENALTY

CASE LAW

- See COMMON LAW, PRECEDENT

CENSORSHIP

See **EXPRESSION**

CERTIORARI

Generally, **34:2**

CHARACTERIZATION OF LAWS

See **CLASSIFICATION OF LAWS**

CHARGED

Generally, **51:2**

CHARGES

See **TAXATION**

CHARLOTTETOWN ACCORD, 1992

Generally, **1:4, 4:3, 4:6, 4:12, 4:14 to 4:16, 4:20, 4:23, 5:4, 5:13, 5:17, 5:24, 6:7, 6:8, 8:1, 8:14, 9:10, 22:10, 28:20 28:42, 43:40**

CHARTER OF RIGHTS

See also **CONSTITUTION ACT 1982**

Amendment of, **36:1**

American jurisprudence, relevance, **36:26**

Application to

- aboriginal self-government, **28:42**
- administrative tribunals, **37:7, 38:31**
- amending procedures, **4:7, 37:9**
- anyone, **37:2**
- citizen, **37:4**
- collective agreement, **44:8**
- common law, **37:12, 37:13, 43:14, 43:19, 43:26, 43:28, 43:35, 55:6, 55:7**
- convention, **1:14**
- corporation, **37:1 to 37:5, 37:13, 47:4, 47:10 51:21, 52:3, 59:6**
- courts, **37:9**
- Crown corporations, **37:10, 37:13**
- deceased person, **37:3**
- discretion, **38:8, 38:31**
- education, **57:14 to 57:18**
- everyone, **37:2**
- extradition proceedings
 - See **EXTRADITION**
- federal and provincial governments, **37:10**
- federal and provincial laws, **15:2, 35:1, 36:1, 37:6 to 37:8**
- foetus, **37:3, 47:8**
- foreign governments, **37:10**
- hospitals, **37:8, 37:10**

CHARTER OF RIGHTS—Cont'd

Application to—Cont'd

- illegal immigrants, **37:4**
 - individual, **37:3, 55:5**
 - Legislature, **1:7, 37:7, 37:8**
 - member of the public, **37:2, 56:15**
 - municipalities, **37:8, 37:10**
 - Parliament, **1:7, 37:7, 37:8**
 - parliamentary privilege, **1:7, 37:7**
 - permanent resident, **37:5**
 - person, **37:2, 51:21, 52:3**
 - prerogative powers, **1:9, 37:10**
 - private action, **34:3, 37:7, 37:12, 37:13, 42:7, 43:26, 43:30, 44:8, 55:7**
 - security guards, **37:13**
 - silence of legislature, **37:7**
 - statutory interpretation, **37:12**
- Benefit of rights, **37:1 to 37:5**
- Burden of proof of justification
- See **LIMITATION CLAUSE** (s. 1)
- Burden of rights, **37:6 to 37:14**
- Canadian Bill of Rights
- comparison, **36:1, 36:25**
 - impact on, **34:4, 35:1, 35:7, 36:1**
- Charter values, **37:12**
- Commencement, **36:30, 40:10, 40:25**
- Conflict between rights, **36:6, 36:23, 42:6, 42:11, 43:32**
- Constitutional status, **35:1, 36:1**
- Cost of compliance, **38:4, 38:17, 55:41**
- Costs for breach of
- See **COSTS**
- Damages for breach of
- See **DAMAGES**
- Declaration for breach of
- See **DECLARATION**
- Dialogue with legislatures, **36:8 to 36:11**
- Distinct society, **38:14**
- Due process omitted, **36:5**
- Emergency measures, **38:32**
- Enforcement
- by administrative tribunals, **40:26 to 40:29**
 - by courts, **21:3, 40:1 to 40:25**
 - by legislatures, **5:20, 40:31**
- English-French discrepancies, **36:24**
- Evidence exclusion for breach of
- See **EVIDENCE**

INDEX

CHARTER OF RIGHTS—Cont'd

- Evidence obtained in breach of, **40:2, 41:1 to 41:13, 48:1, 48:14, 48:36, 50:16**
- Extraterritorial effect, **13:1, 36:27, 37:2, 37:6 to 37:14, 37:10**
- Federalism review compared, **36:4 to 36:7, 36:13, 36:25**
- Generous interpretation, **36:19**
- Hierarchy of rights, **36:22, 36:23**
- History
 - See CONSTITUTION ACT, 1982
- Horizontal effect, **37:13**
- International jurisprudence, relevance, **36:20, 38:1**
- Interpretation, **36:13 to 36:17, 36:18 to 36:24**
- Interpretation Acts, application to, **36:15**
- Judicial review under
 - See JUDICIAL REVIEW OF LEGISLATION
- Legislative history, admissibility
 - See LEGISLATIVE HISTORY
- Legislative implementation, **36:2, 55:4**
- Legislative power not created by, **36:2**
- Limitation clause (s. 1)
 - See LIMITATION CLAUSE (s. 1)
- Minister of Justice, scrutiny by, **35:9, 40:30**
- National unity, effect on, **36:3**
- New grounds of review, **36:4**
- Notwithstanding clause
 - See override power (s. 33)
- Opting out
 - See override power (s. 33)
- Override power (s. 33)
 - description, **1:11, 4:2, 4:3, 12:3, 15:2, 34:2, 36:7, 36:8, 36:19, 39:1 to 39:8**
 - evaluation, **39:8**
 - five-year limit, **39:4**
 - history, **39:2**
 - judicial review, **39:7**
 - retroactive effect, **39:6**
 - rights that may be overridden, **39:3**
 - specificity of declaration, **39:5**
 - use by Ontario, **39:2**
- Political questions, **36:12, 36:19**
- Preamble, **42:10**
- Precedent, **36:25**

CHARTER OF RIGHTS—Cont'd

- Pre-Charter jurisprudence, relevance, **36:25**
- Presumption of constitutionality under, **38:5**
- Progressive interpretation, **36:18**
- Property not protected
 - See PROPERTY
- Protective function, **37:13**
- Public/ private distinction, **37:13**
- Purposive interpretation, **36:20, 36:21**
- Remedy for breach, **21:3, 36:30, 40:1 to 40:31**
 - immunity clause, effect of, **40:19**
- Retroactive effect, **36:30**
- Scope of rights, **36:19**
- Severance
 - See SEVERANCE
- State action
 - See application to
- Supremacy of
 - See CONSTITUTION
- Trivial effects, **36:15**
- Undeclared rights, **36:31**
- Vagueness of concepts, **36:5**
- Waiver of rights
 - See WAIVER
- Work, right to, not protected, **47:10**

CHARTER VALUES

- Generally, **37:12, 43:19, 43:28**

CHIEF JUSTICE OF CANADA

- See also SUPREME COURT OF CANADA
- Administrator, as, **9:3**
- Appointment, **1:10, 8:3**
- Powers, **8:3**

CHILD

- Adoption
 - See ADOPTION OF CHILDREN
- Apprehension, **47:12, 47:32**
- Best interests of, **42:6, 47:15, 47:26, 55:44**
- Corporal punishment of, **47:12, 47:15, 47:24, 47:28, 53:1, 55:44**
- Custody
 - See CUSTODY AND MAINTENANCE
- Parental rights, **42:6, 47:10**
- Pornography, **38:22, 43:7, 43:29**

CHILD—Cont'd

Welfare, **27:6, 27:7, 28:7 to 28:12, 42:6, 47:10, 48:14**

Young offenders

See **YOUNG OFFENDERS**

CHOICE OF LAW

See **CONFLICT OF LAWS**

CINEMA

See **FILMS**

CITIZEN

Candidate for election, right to be, **45:6**

Corporation as, **26:3, 37:4, 46:3**

Definition, **26:3, 37:4, 46:3**

Discrimination in favour of

See **EQUALITY**

Entry to Canada

See **MOBILITY**

Extradition of, **37:14, 46:2**

Legislative power to define, **37:4, 46:3**

Mobility rights of, **26:1, 26:2, 46:1 to 46:6**

Oath of allegiance, **43:16**

Occupational requirement, as, **37:9(a), 46:1 to 46:6**

Passport right to

See **MOBILITY**

Sex as a qualification, **36:30, 55:41**

Voting rights of, **45:2**

CIVIL LAW

History in Canada, **2:6, 2:7**

Law of Canada, not, **7:11**

Privy Council, appeals to, **8:5**

Supreme Court of Canada, appeals to, **8:5**

CIVIL LIBERTIES

Bill of rights

See **BILL OF RIGHTS**

Charter of Rights

See **CHARTER OF RIGHTS**

Civil rights distinguished, **21:3**

Common law protection, **1:2, 1:8, 34:2**

Competitive with other values, **34:1, 36:6**

Constitution Act, 1867, under

See **BILL OF RIGHTS**

Definition, **21:3, 34:1, 34:6**

Democracy and, **34:2, 36:2**

Discrimination

See **EQUALITY**

CIVIL LIBERTIES—Cont'd

Education

See **EDUCATION**

Egalitarian liberties

See **EQUALITY**

Expression

See **EXPRESSION**

Federalism as protection, **5:8, 34:6**

Human rights codes

See **HUMAN RIGHTS CODES**

Judicial independence and, **34:2, 36:2**

Language

See **LANGUAGE**

Legal, **34:1**

Legal rights

See **LEGAL RIGHTS**

Matter as, **34:6**

Parliamentary sovereignty and, **34:2, 34:7**

Political, **34:1**

Power over, **42:2, 43:1, 47:1**

Press

See **EXPRESSION**

Protection of, **36:2**

Religion

See **RELIGION**

Speech

See **EXPRESSION**

CIVIL PROCEDURE

Federal power over, **7:1**

Provincial power over, **7:1**

CIVIL REMEDY

Criminal law power, **18:1**

Damages

See **DAMAGES**

Federal power generally, **18:16**

Property and civil rights, **20:4**

Trade and commerce power, **15:24, 20:4**

CIVIL RIGHTS

Civil liberties

See **CIVIL LIBERTIES**

Definition, **21:3, 34:6**

United States usage, **21:3**

CIVIL SERVANT

See **PUBLIC SERVANT**

CLASS ACTIONS

See **COURTS**

INDEX

CLASSES OF SUBJECTS

- Description, **15:4, 15:22 to 15:30**
- Exclusive, **15:23**
- Exhaustive, **12:2, 15:26, 17:1**
- Mutual modification, **15:23, 20:1**
- Progressive interpretation
 - See INTERPRETATION OF CONSTITUTION

CLASSIFICATION OF LAWS

- Charter of Rights review, for, **15:5, 15:14, 36:12, 36:25**
- Distribution of powers review, for, **15:4, 15:5 to 15:13**

COKE C.J.

- Judicial review, on, **12:1**

COLLECTIVE AGREEMENT

- See LABOUR RELATIONS

COLONIAL LAWS VALIDITY ACT

- Generally, **3:2 to 3:4, 5:20**

COLONY

- Definition, **2:13, 3:1 to 3:5**
- Independence evolution to, **10:1, 11:2, 11:10**
- Prerogative power over, **2:1, 2:4, 2:5, 2:7**
- Reception of law, **2:1 to 2:13**

COLOURABLE LAW

- Generally, **15:11, 31:1**

COMBINES

- See COMPETITION

COMMERCE

- See TRADE AND COMMERCE

COMMON INFORMER

- Generally, **18:13**

COMMON LAW

- Canadian Bill of Rights, application to
 - See CANADIAN BILL OF RIGHTS
- Charter of Rights, application to
 - See CHARTER OF RIGHTS
- Civil liberties protected by, **1:8, 34:2**
- Constitutional status, **1:8**
- Contempt of court
 - See EXPRESSION
- Crown
 - See CROWN
- Definition, **7:11**

COMMON LAW—Cont'd

- Federal, **7:11**
- International law, adoption of, **11:6**
- Laws of Canada
 - See LAWS OF CANADA
- Paramountcy, **16:1**
- Prerogative power
 - See PREROGATIVE POWER
- Prescribed by law, **38:7 to 38:9**
- Reception
 - See ENGLISH LAW IN CANADA
- Retroactive change, **51:26**
- Rights
 - See UNDECLARED RIGHTS
- Uniformity, **2:2 to 2:4, 8:5**

COMMON MARKET

- Generally, **2:7**

COMMONWEALTH

- Agreements between members, **1:13**
- British empire, evolution from, **3:1 to 3:3, 5:5**
- Colony
 - See COLONY
- Dominion
 - See DOMINION
- Member, **3:1, 4:20, 5:5**
- Monarchy and, **4:20, 9:24**
- Treaty-making by members, **11:2, 11:10**

COMMUNICATION

- See EXPRESSION, TRANSPORTATION AND COMMUNICATION

COMPANY

- Bail, no right to, **51:21**
- Banks
 - See BANKING
- Business activity regulation of, **23:6**
- Canadian Bill of Rights, application to, **37:2**
- Charter of Rights, application to
 - See CHARTER OF RIGHTS
- Citizen as
 - See CITIZEN
- Compellability as accused, **51:11**
- Compellability of employee, **51:11**
- Directing mind, **51:11**
- Equality rights lacks, **55:5**
- Expropriation of assets
 - See EXPROPRIATION

COMPANY—Cont'd

- Extraprovincial licensing, **23:2, 23:7, 46:6**
- Federally-incorporated
 - provincial laws, application to, **23:6, 23:7 to 23:9**
- Federal power to incorporate, **17:2, 17:7, 20:4, 23:1, 23:4**
- Functional limit on objects, **6:9, 23:3, 23:4**
- Jury trial, right to, **51:21**
- Mobility rights, lacks, **46:6, 46:11**
- Provincially-incorporated
 - capacity outside province, **13:7, 23:2, 23:3, 23:9, 37:4, 37:5, 46:6**
 - federal law, application to, **23:9**
- Provincial power to incorporate, **13:7, 17:2, 23:1 to 23:5**
- Religion lacks, **59:6**
- Section 7 does not apply, **47:4, 47:10, 59:6**
- Securities regulation
 - See SECURITIES REGULATION
- Shares situs, **31:19**
- Standing
 - See STANDING
- Territorial limits on powers, **23:2, 23:4**
- Trial within reasonable time, **52:3**
- Trust company
 - See TRUST COMPANY

COMPELLABILITY OF ACCUSED

- See also EVIDENCE, SELF-INCRIMINATION
- Generally, **51:6 to 51:12, 54:3**

COMPENSATION

- Property expropriated, for, **13:5, 29:8**
- Victim of crime, **15:24, 18:13**

COMPETITION

- Civil remedy, **18:10, 18:18**
- Conspiracy to lessen, **47:18, 47:27, 47:28**
- History of regulation, **18:10**
- Power to regulate, **17:7, 18:2, 18:10, 18:18, 20:2, 20:4, 46:13**
- Preventive aspect, **18:13**
- Prosecution of offences, **19:14, 19:15**
- Provincial law inconsistency, **16:4**
- Tribunal, **18:10**
- United States, **18:10**

COMPETITIVE FEDERALISM

- Generally, **5:27**

COMPULSORY PURCHASE

- See EXPROPRIATION

COMPUTER

- See SEARCH OR SEIZURE

CONCURRENT POWERS

- Agriculture, **15:25**
- Australia
 - See AUSTRALIA
- Custody, **15:7**
- Description, **15:25**
- Double aspect
 - See DOUBLE ASPECT
- Entertainment, **15:7**
- Gaming, **15:7**
- Immigration, **15:25**
- Inconsistent laws
 - See PARAMOUNTCY
- Insolvency, **15:7**
- Interest, **15:7**
- Maintenance, **15:7, 27:8**
- Natural resources, export of, **15:25, 21:14, 30:30**
- Paramountcy
 - See PARAMOUNTCY
- Penal laws, **18:16**
- Pensions, **15:25**
- Prosecutions, **19:14, 19:15**
- Roads, **15:7**
- Securities regulation, **15:7**
- Taxation, **15:25, 33:1**
- Temperance, **15:7**
- United States
 - See UNITED STATES

CONDITIONAL LAW

- Generally, **14:15 to 14:17**

CONFEDERATION

- See also CANADA
- Definition, **5:2**
- Financial arrangements, **6:1**
- History, **1:2, 2:6, 2:7, 2:8 to 2:12, 5:2, 5:3**
- Laws
 - See PRE-CONFEDERATION LAWS
- Public property, **29:1**

INDEX

CONFESSIONS

See COUNSEL, RIGHT TO,
FUNDAMENTAL JUSTICE

CONFLICT OF LAWS

See also INCONSISTENCY,
PARAMOUNTCY REPEAL
Choice of law, **13:10, 13:14**
Companies outside incorporating jurisdiction
See COMPANY
Constitutional law and, **13:9 to 13:14**
Custody and maintenance orders, **27:10, 27:11**
Defamation cases, **13:10**
Foreign laws recognition, **8:5, 13:9**
Limitation periods, **13:14**
Paramountcy distinguished, **27:10**
Recognition of foreign judgments, **13:11**

CONSCIENCE

See RELIGION

CONSENT

See WAIVER

CONSTITUTION

Amendment
See AMENDMENT OF CONSTITUTION
Australia
See AUSTRALIA
Canada, **1:1 to 1:10**
See also CONSTITUTION OF CANADA
Definition, **1:1 to 1:4**
Flexible, **5:19, 5:20**
New Zealand
See NEW ZEALAND
Province
See CONSTITUTION OF THE PROVINCE
Rigid, **5:19**
Supreme, **5:19, 5:20, 15:2, 40:1 to 40:10**
United Kingdom
See UNITED KINGDOM
United States
See UNITED STATES
Unwritten principles, **7:5, 7:8, 7:9, 7:14, 15:28, 36:17, 38:28, 56:14**
Writing in, **5:19**

CONSTITUTION ACT, 1867

Amendment
See AMENDMENT OF CONSTITUTION
Bill of rights in
See BILL OF RIGHTS
Colonial origin, **1:2**
French version unofficial, **56:3**
Gaps in, **1:2**
History, **1:2, 2:6, 2:7**
Judicial review under
See JUDICIAL REVIEW OF LEGISLATION
Legislative history
See LEGISLATIVE HISTORY
Patriation
See PATRIATION
Preamble, **1:2, 1:4, 7:5, 7:8, 7:9, 9:3, 15:28, 34:7**
Statute of Westminster, exemption from, **3:3**
Supremacy, **3:3**
Unwritten rules, **1:8, 7:2, 7:3, 7:8, 7:14, 34:7, 47:15**

CONSTITUTION ACT, 1871

Generally, **2:9, 4:14, 7:13**

CONSTITUTION ACT, 1982

Canada Act 1982, incorporation in, **1:3**
Canadian Charter of Rights and Freedoms
See CHARTER OF RIGHTS
Citation, **4:1**
Commencement, **3:4, 4:1**
French version, **56:3**
History, **1:3, 1:11, 3:4, 4:1, 4:2, 36:1, 39:2, 56:20**
Legislative history
See LEGISLATIVE HISTORY
Part V
See AMENDMENT OF CONSTITUTION
Patriation as
See PATRIATION

CONSTITUTIONAL ACT, 1791

Generally, **1:4, 2:6**

CONSTITUTIONAL COURT

Proposal for, **5:22, 8:14**

CONSTITUTIONAL EXEMPTION

See INTERPRETATION OF CONSTITUTION

CONSTITUTIONALISM

See also RULE OF LAW
Generally, 1:1

CONSTITUTIONALITY, PRESUMPTION OF

Generally, 5:5(h), 5:21, 15:15, 38:5, 60:13

CONSTITUTIONAL LAW

See also CONSTITUTION OF CANADA
Definition, 1:1

CONSTITUTIONAL TORT

See REMEDIES

CONSTITUTIONAL VALUE

See MATTER

CONSTITUTION AMENDMENT PROCLAMATION, 1983

Generally, 1:4, 4:23

CONSTITUTION OF CANADA

Amendment
See AMENDMENT OF CONSTITUTION
Definition, 1:2, 1:4, 1:7, 3:7, 4:6, 4:14, 4:16, 4:18, 36:1, 37:7, 40:1
Entrenchment, 1:4, 1:6, 4:10, 5:19
French version, 1:3, 56:3
Interpretation
See INTERPRETATION OF CONSTITUTION
Patriation
See PATRIATION
Supremacy, 1:4, 1:6, 3:4, 5:19, 5:20, 36:1, 58:1, 59:1

CONSTITUTION OF THE PROVINCE

Definition of, 4:17, 4:19, 5:25
Delegation, 14:7
Power to amend, 4:17, 4:19, 9:19, 12:10

CONSTITUTION OF UNITED STATES

Amendments to
See AMERICAN BILL OF RIGHTS
Bill of rights
See AMERICAN BILL OF RIGHTS
General
See UNITED STATES

CONTEMPT OF COURT

Charged with offence, 51:2
Charter application of, 37:12, 51:2
Compellability of accused, 51:10
Expression restraint of
See EXPRESSION
Jurisdiction over, 7:16, 7:19
Tribunal's power to punish, 7:19
Vagueness, 47:25

CONTINENTAL SHELF

Generally, 13:4, 32:3

CONTRACT

Constitutional protection, 1:4, 9:12, 12:9, 29:8
Crown liability, 10:10
Debt adjustment
See DEBT ADJUSTMENT
Extraprovincial right
See EXTRATERRITORIAL COMPETENCE
Forum selection clause, effect of, 13:10
Power to
See SPENDING POWER
Power to regulate
See PROPERTY AND CIVIL RIGHTS

CONTROL TEST

Charter of Rights application, 37:10
Crown agent, 10:3

CONVENTION

Caretaker, 9:4, 9:14
Charter of Rights
See CHARTER OF RIGHTS
Choice of counsel, 50:12, 50:14
Constitutional status, 1:2, 1:4, 1:10
Definition, 1:10
Enforceability, 1:9, 1:10, 8:11
Fixed election dates, no convention, 1:14, 9:20
Governor General's powers limited by, 1:10
Imperial Parliament's powers limited by, 1:10, 3:3, 4:1
Law relation to, 1:10
Newfoundland admission, 2:13
Origin, 1:10
Provincial role in amendments, 1:10, 4:1
Queen's powers limited by, 1:10

INDEX

CONVENTION—Cont'd

- Responsible government
See RESPONSIBLE GOVERNMENT
- Treaty
See TREATY
- USA, in, **1:10**
- Usage contrasted, **1:10**
- Writing, **1:10**

CONVEYANCING

- See PROPERTY

COOPERATIVE FEDERALISM

- Constitutional principle, as, **5:27, 18:18**
- Description, **5:27**
- Environmental harmonization, **30:32**
- Federal-provincial conferences
See FEDERAL-PROVINCIAL CONFERENCES
- Federal-provincial financial arrangements
See FINANCIAL ARRANGEMENTS
- Federal-provincial inter-delegation
See INTER-DELEGATION
- Judicial appointments, **7:2**
- Marketing, **20:3**
- Shared-cost programmes
See SHARED-COST PROGRAMMES

COPYRIGHT

- Generally, **18:16, 20:4**

CORPORATION

- See COMPANY

CORRECTIONS

- See CRIMINAL LAW

COST

- See LIMITATION CLAUSE (s. 1)

COSTS

- Advance costs, **50:15, 59:15**
- Charter remedy, as, **40:16, 40:20, 47:34, 59:17**
- Constitutional cases, in, **59:14 to 59:17**
- Crown, against, **59:12, 59:14 to 59:17**
- Special costs, **59:16**

COUNSEL, RIGHT TO

- Canadian Bill of Rights, under, **50:1, 50:15**
- Description, **50:5 to 50:16**
- Evidence obtained in breach of, **41:4, 41:8, 41:9, 50:8, 50:16**

COUNSEL, RIGHT TO—Cont'd

- Legal aid, **19:6, 36:20, 38:17, 40:4, 47:32, 50:8, 50:15**
- No general right, **38:17, 43:33, 50:15**
- Plea bargain, **50:14**
- Police caution, **40:9, 50:5 to 50:16**
- Police questioning, **47:27 to 47:29, 47:31, 50:7, 50:12**
- Roadside stops, **50:3**
- Search, at time of, **50:3, 50:4**
- Silence, right to
See FUNDAMENTAL JUSTICE
- Waiver
See WAIVER

COURT MARTIAL

- See MILITARY TRIBUNAL

COURT OF COMPETENT JURISDICTION

- See REMEDY

COURTS

- See also ADMINISTRATION OF JUSTICE, JUDGES, JUDICIAL POWER
- Access to
See EXPRESSION
- Advisory opinions
See REFERENCE
- Amalgamation of county and district, **7:1, 7:17**
- Appeal right to, **47:32**
- Bias
See BIAS
- Charter of Rights, application to
See CHARTER OF RIGHTS
- Choice of law, **13:6, 13:9, 13:14**
- Civil jurisdiction, **7:1, 13:10, 13:11**
- Class actions, **13:10, 13:11**
- Constitutional cases
See JUDICIAL REVIEW OF LEGISLATION
- Constitutional limits on jurisdiction, **7:15 to 7:20, 13:9 to 13:14, 19:4, 27:14 to 27:17, 43:28**
- Contempt of court
See CONTEMPT OF COURT
- Core jurisdiction, **7:16, 7:19, 7:20**
- Criminal jurisdiction, **7:1, 7:4, 7:11, 7:16, 19:3, 19:17**
- Establishment, **7:1 to 7:14**

COURTS—Cont'd

Exchequer Court of Canada
 See EXCHEQUER COURT OF CANADA
 Extraterritorial competence
 See EXTRATERRITORIAL COMPETENCE
 Fair trial, **36:9, 47:32**
 Family courts, **7:16, 27:14 to 27:17**
 Federal Court of Canada
 See FEDERAL COURT OF CANADA
 Federal courts, **7:1, 7:10 to 7:14, 19:5, 27:15**
 Federal questions, **7:1, 7:2, 7:11**
 Full faith and credit
 See FULL FAITH AND CREDIT
 Hearing fees, **7:18, 40:6**
 High Court of Australia
 See AUSTRALIA
 House of Lords
 See HOUSE OF LORDS
 Independence
 See JUDGES
 Interpreter, right to, **56:11, 56:13**
 Judges
 See JUDGES
 Judgments, recognition of
 See JUDGMENTS RECOGNITION OF
 Judicial review of administrative action
 See JUDICIAL REVIEW OF ADMINISTRATIVE ACTION
 Judicial review of legislation
 See JUDICIAL REVIEW OF LEGISLATION
 Jury
 See TRIAL
 Language rights in, **56:3, 56:4, 56:9 to 56:13, 56:14, 56:15**
 Law-making by, **58:1**
 Martial
 See MILITARY TRIBUNAL
 Non-judicial functions, **7:15, 7:18**
 Precedent
 See PRECEDENT
 Pre-confederation powers, **13:10**
 Preliminary inquiry judge
 See PRELIMINARY INQUIRY
 Privative clause
 See PRIVATIVE CLAUSE

COURTS—Cont'd

Privy Council
 See JUDICIAL COMMITTEE OF PRIVY COUNCIL
 Procedure
 See CIVIL PROCEDURE, CRIMINAL PROCEDURE
 Provincial courts, **7:1 to 7:9, 40:28, 40:29**
 Remedy
 See REMEDY
 Reporting of proceedings
 See EXPRESSION
 Superior courts, **7:1 to 7:9, 7:10 to 7:14, 7:15 to 7:20, 11:6**
 Supervision of remedial orders, **36.4(e), 40:23, 56:25**
 Supreme Court of Canada
 See SUPREME COURT OF CANADA
 Supreme Court of United States
 See UNITED STATES
 Territorial courts, **7:13**
 Testimony behind veil, **36:23, 42:6**
 Unified criminal court, **7:16, 19:4, 19:5**
 Youth courts, **7:16, 7:19**

CREDIT

See BANKING, BANKRUPTCY AND INSOLVENCY, DEBT ADJUSTMENT, INTEREST

CREDITORS' RIGHTS

See BANKING BANKRUPTCY AND INSOLVENCY, DEBT ADJUSTMENT, INTEREST

CREDIT UNION

Banking by, **24:3**
 Incorporation, **24:7**

CRIMINAL LAW

Abortion, **15:11, 18:8, 18:18**
 Absolute liability
 See FUNDAMENTAL JUSTICE
 Administrative monetary penalty, **51:3, 59:12**
 Assembly, **18:16, 44:1**
 Assisted human reproduction
 See ASSISTED HUMAN REPRODUCTION
 Australia
 See AUSTRALIA
 Automatism as defence
 See FUNDAMENTAL JUSTICE

INDEX

CRIMINAL LAW—Cont'd

- Censorship
 - See EXPRESSION
- Civil remedy, **18:10, 18:16, 18:17**
- Compensation of victim, **15:24, 18:17, 40:17**
- Competition regulation
 - See COMPETITION
- Conviction review of, **58:4**
- Corrections
 - See Punishment
- Courts
 - See COURTS
- Deception, **18:3**
- Definition, **15:27, 18:2**
- Discrimination, prohibition of, **55:1**
- Double jeopardy
 - See DOUBLE JEOPARDY
- Drugs
 - See FOOD AND DRUGS
- Duress as defence
 - See FUNDAMENTAL JUSTICE
- Economic regulation, **18:2**
- Environment, **18:7, 18:18, 30:32**
- Expression
 - See EXPRESSION
- Federal power over, **5:9, 18:1**
- Food
 - See FOOD AND DRUGS
- Forfeiture of goods, **18:17, 18:19, 51:3**
- Gambling, **18:18, 18:19, 21:17**
- Gun control
 - See GUNS
- Harm principle, **18:2, 47:15, 47:24**
- Health
 - See HEALTH
- Innocence presumption of
 - See INNOCENCE, PRESUMPTION OF
- Inquiry into organized crime, **19:8, 19:16**
- Insanity
 - See INSANITY
- Insurance regulation, **18:18**
- Intoxication as defence
 - See FUNDAMENTAL JUSTICE
- Jurisdiction vesting of, **19:4**
- Juvenile delinquency
 - See YOUNG OFFENDERS
- Legal product, advertising of, **18:5, 43:23**
- Magistrate's jurisdiction, **19:3 to 19:5**

CRIMINAL LAW—Cont'd

- Mens rea requirement
 - See FUNDAMENTAL JUSTICE
- Mental disorder, **18:14, 47:24, 49:3 to 49:8, 55:45**
- Murder
 - See MURDER
- Narcotics
 - See FOOD AND DRUGS
- Offence defined, **51:3**
- Pardon, **19:17**
- Parole, **19:19, 47:9, 47:15, 51:31**
- Penal laws, **18:19**
- Police
 - See POLICE
- Police informer rule
 - See EVIDENCE
- Pollution, **18:7, 18:18, 30:32**
- Prevention of crime, **18:14, 18:19, 48:21**
- Probation, **19:20**
- Procedure
 - See CRIMINAL PROCEDURE
- Professional responsibility, **15:7, 19:6, 19:14, 47:34**
- Prosecution
 - control by Attorney General, **7:6, 36:11, 47:24**
 - federal, **17:6, 18:1, 19:15, 20:5**
 - provincial, **18:1, 18:19, 19:14**
- Prostitution, **18:19**
- Provincial penal laws, **16:5, 16:8, 18:1, 18:16, 18:19, 19:18**
- Public inquiries, **19:16**
- Punishment
 - capital
 - See DEATH PENALTY
 - cruel and unusual
 - See CRUEL AND UNUSUAL PUNISHMENT
 - delay in sentencing, **52:8**
 - double
 - See DOUBLE JEOPARDY
 - forfeiture of property, **18:13, 18:19**
 - imprisonment, **18:19**
 - industrial school, custody in, **51:20**
 - judicial discretion, **53:4**
 - powers over, **18:1, 18:19, 19:17, 47:9, 47:15**
 - pre-sentence custody, **47:24**
- Regulation by province, **19:6, 19:14, 21:9**

CRIMINAL LAW—Cont'd

- Regulation under, **18:7, 18:18, 19:18, 21:8**
- Regulatory offence, **47:16 to 47:18, 51:14, 52:4**
- Repeal, power to, **18:14, 18:18**
- Restitution to victim, **18:17**
- Retroactive
 - See **RETROACTIVE LAWS**
- Roads
 - See **ROADS**
- Sentence
 - See **punishment**
- Speech
 - See **EXPRESSION**
- Strict liability
 - See **FUNDAMENTAL JUSTICE**
- Sunday observance
 - See **SUNDAY OBSERVANCE**
- Tobacco
 - See **FOOD AND DRUGS**
- True crime, **47:17, 47:18, 51:14, 52:4**
- United States
 - See **UNITED STATES**
- Young offenders
 - See **YOUNG OFFENDERS**

CRIMINAL PROCEDURE

- Bail
 - See **BAIL**
- Disclosure to defence, **40:19, 47:34, 47:35**
- Double jeopardy
 - See **DOUBLE JEOPARDY**
- Evidence
 - See **EVIDENCE**
- Fitness to stand trial, **18:11, 47:24, 51:13**
- Full answer and defence
 - See **FUNDAMENTAL JUSTICE**
- Judicial investigative hearing, **7:5, 43:33, 47:27 to 47:29**
- Legal rights
 - See **LEGAL RIGHTS**
- Power over, **7:1, 18:1, 19:6**
- Preservation of property, **48:4**
- Presumption of innocence
 - See **INNOCENCE, PRESUMPTION OF**
- Search or seizure
 - See **SEARCH OR SEIZURE**
- Trial of indictable offences, **19:4**

CROWN

- See also **CANADA, PROVINCES, QUEEN**
- Agent, **10:2 to 10:4, 10:13 to 10:15, 31:24, 37:10**
- Attorney General, action against, **10:5**
- Bankruptcy claim in, **25:11 to 25:13**
- Commercial activity, **31:27**
- Common law origin, **1:8**
- Contractual liability, **10:10**
- Costs against
 - See **COSTS**
- Criminal liability, **10:4**
- Definition, **10:1, 10:16, 10:17, 37:10**
- Discovery against, **10:6**
- Evidence, power to withhold, **7:3, 7:19, 7:20, 10:5, 10:6 to 10:9, 15:1, 15:28, 47:32, 60:2**
- Expropriation of Crown property, **10:21, 29:7**
- Extraterritorial capacity, **13:8**
- Federal court proceedings, **7:11, 10:5, 55:16**
- Fiat for suit, **10:5**
- Injunction immunity, **40:16**
- Interjurisdictional immunity, **10:16 to 10:21, 28:20**
- Legislative power over, **10:13**
- Levy taxes may not, **58:6**
- Mandamus, immunity, **40:16**
- One and indivisible, **10:1, 10:16, 10:17, 10:20**
- Prerogative power
 - See **PREROGATIVE POWER**
- Privilege, evidence, **10:5, 10:6 to 10:9**
- Proceedings against, **7:11, 10:5**
- Proceedings by, **7:11**
- Property
 - in general
 - See **PUBLIC PROPERTY**
 - recovery of, **10:10**
- Public interest immunity, **10:5, 10:6 to 10:9**
- Restitution against, **58:7**
- Servants
 - definition, **10:3**
 - dismissible at pleasure, **10:11**
 - taxation, liability to pay, **31:22**
 - tortious liability, **10:12, 34:2, 58:4, 58:6**

INDEX

CROWN—Cont'd

- Special powers and privileges, **10:5**
- Spend money may not, **58:6**
- Statutes
 - common law immunity, **10:3, 10:13**
 - constitutional limitations, **10:18 to 10:21, 29:7, 31:24 to 31:27**
 - statutory immunity, **10:14**
- Succession to throne
 - See **QUEEN**
- Taxation of Crown property, **31:21 to 31:23, 31:24 to 31:27**
- Tortious liability, **58:4**
- Unconstitutional taxes, recovery from, **58:7**

CROWN CORPORATION

- Charter application to
 - See **CHARTER OF RIGHTS**
- Crown equivalent to, **10:2 to 10:4, 31:24, 37:10**
- Ministerial control, **9:7**

CRUEL AND UNUSUAL PUNISHMENT

- Arbitrary detention compared, **53:3**
- Corporal punishment of child, **53:1**
- Death penalty, **47:15, 53:7**
- Described, **53:1 to 53:7**
- Extradition
 - See **EXTRADITION**
- Foreign law, **47:15, 53:3**
- Indeterminate sentence, **53:5**
- Life imprisonment, **47:19, 53:4**
- Minimum sentence, **37:14, 40:8, 40:29, 47:15, 47:25, 53:3, 53:4**
- Prison conditions, **53:6**

CULTURE

- Amendments relating to, **4:2, 4:12**
- Charlottetown Accord proposals, **4:3, 9:6**
- Education
 - See **EDUCATION**
- Expression
 - See **EXPRESSION**
- Heritage property, **15:24, 21:19, 28:9**
- Language
 - See **LANGUAGE**
- Literature
 - See **LITERATURE**
- Matter as, **17:5**
- Radio
 - See **RADIO**

CULTURE—Cont'd

- Religion
 - See **RELIGION**
- Television
 - See **TELEVISION**
- Theatre
 - See **THEATRE**

CUSTODY AND MAINTENANCE

- See also **DIVORCE, FAMILY, MARRIAGE**
- Alimony, **27:8**
- Concurrent powers, **15:7, 15:24**
- Conflicting laws or orders, **16:3, 27:10 to 27:13**
- Court jurisdiction over, **7:16**
- Fair hearing, **27:6, 38:17, 47:12, 47:32, 50:15**
- Federal power, **15:24, 18:16, 27:6, 27:7**
- Provincial power, **18:16, 27:6**
- Religious instruction of child, **42:6**

CUSTOM

- Generally, **1:12**

CUSTOMS DUTY

- Aboriginal exemption, **28:19**
- Australia, **31:6**
- Confederation, **5:9, 6:1**
- Customs declaration, disclosure of, **48:5 to 48:12**
- Forfeiture of goods not penal, **51:3**
- Indirect character, **31:8**
- Power to impose, **5:9, 6:2, 20:2, 31:8**
- Provinces, between, **31:4, 46:8**
- Provincial government liability for, **31:25**
- Regulatory effect, **31:25**
- Search at border
 - See **SEARCH OR SEIZURE**
- United States, **31:6**

DAMAGES

- Cap on, **55:45**
- Charter breach, for, **40:19**
- Illegal official action, for, **34:2**
- Unconstitutional law, for
 - See **UNCONSTITUTIONAL LAW**

DANGEROUS OFFENDER

- Generally, **49:3 to 49:8, 51:2, 51:31**

DEAFNESS

- See **EQUALITY**

DEATH PENALTY

Cruel and unusual, **36:5, 53:7**
Deportation to face, **37:14**
Extradition to face, **37:14, 46:2, 47:15, 53:7**
Power to impose, **18:16**

DEBT ADJUSTMENT

Generally, **13:5**

DECLARATION

See also UNCONSTITUTIONAL LAW
Administrative tribunal, power to make, **40:26**
Apprehended infringements of rights, **40:15**
Attorney-General action against, **10:5, 59:1, 59:2**
Constitutional remedy, **40:18, 40:19, 40:25, 59:1, 59:18, 59:19**
Judicial review of administrative action, means of, **34:2**
Limitation period, **40:10, 40:25, 59:18, 59:19**
Standing
See STANDING
Suspended, **40:4, 58:1**

DECLARATORY JUDGMENT

See DECLARATION

DECLARATORY LAW

See RETROACTIVE LAW

DECLARATORY POWER

Generally, **5:9, 5:18, 20:2, 22:1, 22:10, 22.14(b), 30:8**

DE FACTO OFFICER

Generally, **58:6, 58.8(c)**

DEFAMATION

See EXPRESSION

DEFEAT OF GOVERNMENT

Australia, in, **9:10, 9:18**
Dissolution of Parliament
See FEDERAL PARLIAMENT
House of Commons, in, **9:11, 9:14, 9:16, 9:18, 9:20**
Senate in, **9:11**
Snap vote, **9:16**
United Kingdom, **9:16**

DEFENCE

See ARMED FORCES, NATIONAL SECURITY, WAR, WAR MEASURES ACT

DELAY

Charge, in laying, **51:2, 51:4, 52:6**
Informing of specific offence, in, **51:4**
Trial within reasonable time
See TRIAL

DELEGATED LEGISLATION

See also DELEGATION
By-law, **14:1, 55:40**
Charter, application to, **37:8, 38:7**
Language requirements, **56:8**
Policy as, **37:8, 38:7, 40:1**
Power to enact, **14:1, 38:7 to 38:9**
Regulation, **14:1**
Rule, **14:1**

DELEGATION

See also DELEGATED LEGISLATION
Acquiescence by, **14:18**
Australia, **14:5, 14:10**
By provinces, **20:4**
Executive power, of, **14:5**
Federal power to provinces
See INTER-DELEGATION
Initiative and referendum
See INITIATIVE AND REFERENDUM
Judicial power, of, **14:6**
Legislative power, of, **14:5, 14:11**
Power of, **14:1 to 14:18**
Provincial power to Dominion
See INTER-DELEGATION
Taxation power of, **14:5, 31:1**
United Kingdom, **14:2**
United States, **14:5, 14:9**

DELICT

See TORT

DEMOCRACY

See ELECTIONS, EXPRESSION, RESPONSIBLE GOVERNMENT

DEMOCRATIC RIGHTS

See ELECTIONS

DENOMINATIONAL SCHOOLS

See EDUCATION

INDEX

DEPORTATION

See also EXTRADITION
Citizen, of, **47:9, 55:46**
Cruel and unusual, not, **53:2**
Death penalty, to face, **37:6 to 37:14**
Non-citizen of, **47:9, 47:32, 55:37, 55:46**
Power of
 See MOBILITY
Procedure, **47:31**
Refugee, of, **47:9**
Torture, to face, **11:6, 36:20, 37:14, 47:9, 47:15**

DEPUTY MINISTER

Generally, **9:4, 9:7**

DE SMITH, S.A.

Patriation on, **3:8**
Revolution, on, **5:26**

DETENTION

Arbitrary
 See ARBITRARY DETENTION OR IMPRISONMENT
Arrest
 See ARREST
Counsel right to
 See COUNSEL, RIGHT TO
Defined, **41:11, 49:2, 50:2, 50:3**
Insanity, on account of
 See INSANITY
Investigative, **48:25, 49:3 to 49:8, 50:2**
Police powers, **49:3 to 49:11, 50:2, 50:3**
Psychological, **49:3 to 49:8, 49:9, 50:2, 50:3**
Reasons right to, **50:4**
Review by habeas corpus
 See REMEDY

DEVOLUTION

See also DELEGATION
Generally, **5:3, 5:4, 5:20, 12:1, 14:2**

DIALOGUE

See JUDICIAL REVIEW OF LEGISLATION

DICEY A.V.

Prerogative, on, **1:9**
Rule of law, on, **58:3**
Sovereignty, on, **12:1**

DICKSON, CHIEF JUSTICE R.G.B.

Appointment, **1:12**

DICKSON, CHIEF JUSTICE R.G.B.

—Cont'd

Composition of bench, policy, **8:3**

DIEFENBAKER, PRIME MINISTER

J.G.

Canadian Bill of Rights, **35:1**

DIRECTORY RULE

Generally, **1:10, 12:10, 14:5, 56:6, 58:9**

DISABILITY MENTAL

See EQUALITY

DISABILITY PHYSICAL

See EQUALITY

DISALLOWANCE

Federal statutes, of, **3:1, 5:13, 9:3, 9:11**
Provincial statutes, of, **3:1, 5:9, 5:13, 9:3, 9:11**

DISCIPLINE OFFENCE AS

Generally, **51:3**

DISCOVERABILITY RULE

See EVIDENCE

DISCRIMINATION

See EQUALITY

DISPENSING POWER

Generally, **1:9, 34:2**

DISPROPORTIONALITY

See FUNDAMENTAL JUSTICE
Suspended declaration of invalidity, **36:10, 40:4**

DISTINCT SOCIETY

See QUEBEC

DISTRIBUTION OF POWERS

See also FEDERALISM, LEGISLATIVE POWER
Classes of subjects
 See CLASSES OF SUBJECTS
Executive matches legislative, **1:9**
Federal state, in, **5:1 to 5:7, 5:19, 5:20, 15:1, 17:2**
Gaps in, **12:2, 17:2**
Prerogative powers, **1:9**
Reform of, **4:21**

DIVISION OF POWERS

See DISTRIBUTION OF POWERS

DIVORCE

See also MARRIAGE
 Australia, 5:9, 27:1, 27:9
 Corollary relief
 See CUSTODY AND MAINTENANCE
 History in Canada, 27:1, 27:14 to 27:17
 Power over, 5:9, 27:1, 27:5 to 27:9
 Procedure, 27:5
 Property division, 27:9, 27:16
 Provincial superior courts, 27:16
 Recognition, 27:1
 United States, 5:9, 27:1

DIXON SIR OWEN

Judicial review on, 5:21

DOCUMENTS

Compelled production
 See SEARCH OR SEIZURE
 Crown privilege
 See CROWN

DOMINION

See also CANADA
 Abandonment of word, 5:5
 Canada, of, 2:12, 3:1, 5:5
 Colony, evolution from, 3:1, 5:5
 Definition, 3:1, 5:5
 Member of Commonwealth, evolution to, 3:1, 5:5
 Newfoundland as, 2:12

**DOMINION-PROVINCIAL
 CONFERENCES**

See FEDERAL-PROVINCIAL CONFERENCES

DOUBLE ASPECT

Generally, 15:7, 15:23, 15:25, 16:1, 16:7, 17:1

DOUBLE JEOPARDY

Generally, 16:8, 16:9, 51:27 to 51:30

DRIVER'S LICENCE

See ROADS

DRUGS

See FOOD AND DRUGS

DUE PROCESS

American Bill of Rights, under, 47:2, 47:10, 47:13

DUE PROCESS—Cont'd

Canadian Bill of Rights, under, 29:8, 35:1, 47:2, 47:13
 Charter, not included in, 36:5, 47:2
 Compensation for property taken, 29:8
 Emancipation of slaves, 36:3, 36:5
 Equal protection included, 55:3
 Extraterritorial restrictions, 13:10, 13:14
 Incorporation of other rights, 16:8, 28:21, 37:6, 47:2, 55:3
 Jury right to, 51:19
 Presumption of innocence, 51:13
 Proof beyond reasonable doubt, 51:13
 Substantive, 5:21, 29:8, 36:5, 47:10, 47:14
 Travel right to, 46:2, 46:3

DUPLESSIS, PREMIER M.

Generally, 34:2

DUPLICATION OF LAWS

See DOUBLE ASPECT,
 PARAMOUNTCY

DURESS AS DEFENCE

See FUNDAMENTAL JUSTICE

DURHAM LORD

Generally, 2:6, 9:2

DWORKIN RONALD

Rights, on, 38:2

EDUCATION

Amendments relating to
 See AMENDMENT OF CONSTITUTION
 Charter, application to, 57:14 to 57:18
 Corporal punishment, 27:2, 40:9, 47:12, 47:15
 Denominational school rights, 5:9, 5:16, 34:5, 40:31, 42:9, 55:35, 56:17, 56:18, 57:1 to 57:13
 Federal power, 57:3 to 57:5
 Indian, 28:2, 57:3
 Language of
 See LANGUAGE
 Legislative powers over, 42:1, 55:17, 57:1 to 57:13
 Manitoba school question, 5:16
 Private religious schools, 42:9, 55:35, 57:6
 Protected rights and privileges, 57:2, 57:5, 57:6, 57:7 to 57:13

INDEX

EDUCATION—Cont'd

- Provincial power, **56:19, 57:1, 57:2**
- Reduction in funding, **57:12**
- Religion in schools, **36:5, 42:8, 42:9, 57:15**
- School boards, elections, **43:40, 58:2**
- Search of students, **41:11, 48:5 to 48:12, 48:22, 48:27, 57:18**
- Separate schools, **57:1 to 57:13**
- Students with disabilities, **55:24, 55:30, 55:45, 57:17**

EFFECT OF LAW

- Charter of Rights relevance to, **36:13 to 36:17, 36:25**
- Distribution of powers, relevance to, **15:9**

ELECTIONS

- Absentee voting, **40:17**
- Advertising, **15:15, 15:19, 15:20, 43:38, 45:4**
- Broadcasting, **22:18**
- Candidate, right to be, **37:15, 45:6**
- Contested, **45:5**
- Expenditures, **15:20, 36:9, 36:11(a), 43:12, 43:38, 45:4**
- First-past-the-post, **45:4**
- Five-year terms, **9:10, 9:18, 9:19, 45:7**
- Fixed dates, **1:14, 9:19, 9:20**
- Importance of freedom of, **34:2**
- One person, one vote, **40:4, 45:3**
- Opinion polls, **38:20, 43:12, 43:18, 45:4**
- Political speech
 - See EXPRESSION
- Power over, **9:19, 45:1**
- Prisoners voting, **36:9, 45:2**
- Public servants' involvement
 - See PUBLIC SERVANTS
- Referendum
 - See REFERENDUM
- Regulation, **43:39, 45:4**
- Residence requirement, **43:39, 45:2, 46:4, 55:49**
- Voting, **38:6, 45:1 to 45:5**

ELECTRICITY

- Consumption as evidence of crime, **48:5 to 48:12**
- Export, **30:28**
- Nuclear, **17:4, 22:10, 30:10, 30:29, 30:30**
- Power over, **30:28**
- Taxation, **31:14**

ELECTRICITY—Cont'd

- Transmission, **30:28**

ELECTRONIC SURVEILLANCE

- See SEARCH OR SEIZURE

EMERGENCY

- Charter of Rights and
 - See CHARTER OF RIGHTS
- Emergencies Act, **14:15, 17:8, 17:9**
- Extension of legislative bodies, **9:19, 38:32, 45:7**
- Legislative power over
 - See PEACE ORDER, AND GOOD GOVERNMENT
- Necessity in, **40:4**
- Proof of, **17:10, 60:10, 60:13**
- Temporary validity, **40:4**
- War Measures Act
 - See WAR MEASURES ACT

EMIGRATION FROM CANADA

- See MOBILITY

EMINENT DOMAIN

- See EXPROPRIATION

EMPLOYMENT

- See LABOUR RELATIONS

EMPLOYMENT INSURANCE

- See UNEMPLOYMENT INSURANCE

ENFORCEMENT

- See REMEDY

ENGLAND

- See UNITED KINGDOM

ENGLISH LANGUAGE

- See LANGUAGE

ENGLISH LAW IN CANADA

- History, **2:1 to 2:13**

ENTERTAINMENT

- See FILMS, LITERATURE, RADIO, TELEVISION, THEATRE

ENTRENCHMENT

- See CONSTITUTION OF CANADA, LEGISLATIVE POWER

ENUMERATED POWERS

- Australia
 - See AUSTRALIA
- Canada, **17:1**

ENUMERATED POWERS—Cont'd

United States

See UNITED STATES

ENVIRONMENT

Environment as matter, 17:5, 18:6, 30:31

Fisheries protection of

See FISHERIES

Pollution as matter&, 17:5, 30:31

Pollution of river, 13:6

Power over, 17:4, 17:5, 18:2, 18:6, 18:7, 18:18, 30:20, 30:31 to 30:33

EQUALITY

Affirmative action, 43:4, 55:3, 55:32

Age, 33:2, 33:5, 37:24, 40:5, 40:26, 40:27, 55:1 to 55:3, 55:7, 55:18, 55:20 to 55:24, 55:28, 55:44

Alienage, 21:18, 26:2, 55:1

American Bill of Rights, under

See AMERICAN BILL OF RIGHTS

Analogous grounds, 55:17, 55:18

Canadian Bill of Rights, under

See CANADIAN BILL OF RIGHTS

Child's rights

See CHILD

Citizenship, 36:30, 46:4, 47:13, 55:18, 55:37, 55:41, 55:46

Comparator group, selection of, 55:23

Confidential records, disclosure, 47:35, 47:36

Corporations and, 37:2, 55:5

Deafness, 32:4, 55:28, 55:45

Delayed application of s.15, 55:4

Description of law, 55:1 to 55:50

Disability, 55:24, 55:30, 55:45, 57:17

Disadvantage, 55:23 to 55:27, 55:32

Discretion, application to, 55:6

Discrimination, 55:16 to 55:30

Distribution of powers over, 34:6, 55:1

Educational attainment, 55:22

Employment status, 37:7, 55:18, 55:50

Extension, remedy of, 40:4 to 40:9

Father's rights, 55:41 to 55:43

Formal, 55:10 to 55:12, 55:28 to 55:30, 55:41

Gender

See sex

Hate propaganda

See EXPRESSION

Human dignity, 55:19 to 55:22

EQUALITY—Cont'd

Human rights codes

See HUMAN RIGHTS CODES

Indians

See INDIANS AND INDIAN LANDS

Language, 55:18, 55:38

Limitations on, 55:31

Marital status, 27:9, 40:6, 55:18, 55:22, 55:24, 55:47

Mental disability, 55:30, 55:45

Military status, 55:2

Municipal by-laws, 55:49

Occupation, 55:18, 55:50

Over-inclusive law, 40:8

Override of rights, 55:43

Physical disability, 32:4, 33:4, 55:30, 55:45, 57:17

Race, (d), (e), 26:2, 27:9, 27:14 to 27:17, 28:4, 36:29, 55:1 to 55:3, 55:34, 55:39

Reasonable accommodation, 55:30, 55:45

Region

See residence

Religion, 42:9, 55:18, 55:35, 55:40

Residence, 21:18, 26:2, 28:5, 28:40, 33:5, 55:18, 55:22, 55:36, 55:49

Reverse discrimination, 55:32

Same-sex marriage

See MARRIAGE

Sex, 4:2, 28:2, 38:17, 40:5, 40:6, 43:40, 55:2, 55:3, 55:7, 55:27, 55:31, 55:41 to 55:43, 59:6

Sexual orientation, 27:3, 27:8, 37:7, 37:13, 38:12, 40:6, 55:18, 55:28 to 55:30, 55:48, 59:5

Substantive, 55:12, 55:28 to 55:30, 55:42

Temporal distinction, 55:18

Under-inclusive law, 38:15, 40:4 to 40:9

Unwritten constitutional principle, as, 15:28

Voting

See ELECTIONS

Waiver, 37:24

EQUALIZATION

Constitutional guarantee of, 6:6, 6:8

Financial arrangements in, 5:27, 6:6, 6:8

Grants, 5:27, 6:4 to 6:6, 6:8, 6:10

Horizontal imbalance, 6:1

EQUAL PROTECTION

See EQUALITY

INDEX

ESKIMOS

See ABORIGINAL PEOPLES OF CANADA, INDIANS AND INDIAN LANDS, NATIVE RIGHTS

EUROPEAN CONVENTION ON HUMAN RIGHTS

Charter, relevance to, **36:20, 38:1**
Individual's right to petition, **36:20**
Limitation clauses, **38:1, 38:9**
United Kingdom, application to, **5:20, 12:1**

EUROPEAN COURT OF HUMAN RIGHTS

Generally, **36:20**

EUTHANASIA

See SUICIDE

EVERYONE

Generally, **37:2**

EVIDENCE

Aboriginal cases, in, **28:21, 60:8 to 60:13**
Adjudicative facts, **60:8**
American exclusionary rule, **36:5, 41:2, 41:4, 41:11, 41:13**
Appellate court, in, **60:8, 60:11**
Brandeis brief, **8:12, 52:5, 60:9 to 60:11**
Burden of proof, **38:4, 60:13**
Canada Evidence Act, **7:16, 7:20, 10:7**
Canadian Bill of Rights, obtained in breach of, **41:2**
Charter cases, in, **38:4, 60:13**
Charter obtained in breach of
See CHARTER OF RIGHTS
Compellability of accused
See COMPELLABILITY OF ACCUSED
Confidential records, **36:9, 47:35 to 47:37**
Conscriptive, **41:8, 50:12**
Constitutional cases, in, **60:8 to 60:13**
Constitutional jurisdictional facts, **7:20, 21:11**
Credibility, to impeach, **41:3, 47:31, 51:8, 54:5, 54:8**
Criminal cases, in, **18:2, 19:7**
Crown's power to withhold
See CROWN
Derivative, **47:31, 54:10**
Disclosure by Crown, **40:22, 47:34, 47:37**

EVIDENCE—Cont'd

Disclosure by third parties, **36:4, 36:7(f), 47:35, 47:37, 51:12, 59:10**
Discoverability rule, **41:5, 41:8, 41:13, 54:8**
DNA, **41.8(d), 48:13, 48:21, 48:23, 48:27, 50:12, 51:31**
Emergency finding of, **17:10, 60:10, 60:13**
Exclusion power of, **40:21, 40:22, 41:1 to 41:14**
Extradition cases, in, **47:32**
Illegally obtained, **41:2, 48:27**
Incriminating
See SELF-INCRIMINATION
Informer privilege
See INFORMER PRIVILEGE
Inquest at, **19:7, 51:10**
Insanity, of, **40:6, 51:14, 55:24**
Journalist secret source privilege, **37:12, 43:19**
Judicial notice, **60:8**
Legislative facts, **60:8**
Legislative history
See LEGISLATIVE HISTORY
Litigation privilege, **48:31**
Motion to suppress, **40:17**
Police informer rule, **10:6, 19:7**
Preservation of, **47:36**
Professional secrecy
See SOLICITOR-CLIENT PRIVILEGE
Purpose of statute, as to, **15:8, 60:2**
Rape-shield law, **40:8, 40:28, 41:3, 47:33, 47:34**
Reference in, **8:12, 60:10**
Search for
See SEARCH OR SEIZURE
Seizure of
See SEARCH OR SEIZURE
Sexual activity of complainant, **47:33**
Silence right to
See FUNDAMENTAL JUSTICE
Similar fact, **51:14**
Social-science brief
See Brandeis brief
Solicitor-client privilege, **47:15, 47:35, 48:31**
Standard of proof, **38:4, 60:13**
Trial, in, **60:12**

EVIDENCE—Cont'd

Trick, obtained by, **41:3, 41:7, 47:31**
 Unreliable, **41:8**
 Witness, compellability, **10:9, 54:3, 54:4**

EXCHEQUER COURT OF CANADA

Generally, **7:1, 7:11**

EXCISE TAX

Generally, **5:9, 6:1, 6:2, 31:8**

EXCLUSIVE POWERS

Generally, **15:7, 15:20, 15:25**

EXECUTIVE COUNCIL

Generally, **9:3, 9:5**

EXECUTIVE FEDERALISM

Generally, **4:2, 5:27**

EXECUTIVE GOVERNMENT OF CANADA

Generally, **14:7**

EXECUTIVE POWER

See also CROWN
 Cabinet
 See CABINET
 Delegation
 See DELEGATION
 Distribution matches legislative, **9:3, 11:13**
 Extraterritorial capacity, **13:8**
 Foreign affairs, **11:1**
 Governor General
 See GOVERNOR GENERAL
 Judicial power, relation to, **7:15, 9:12**
 Legislative power, relation to, **1:9, 7:15, 9:3, 9:12, 11:13, 18:1, 19:13, 19:15**
 Lieutenant Governor
 See LIEUTENANT GOVERNOR
 Premier
 See PREMIER
 Prerogative power
 See PREROGATIVE POWER
 Prime Minister
 See PRIME MINISTER
 Queen
 See QUEEN

EXILE

Generally, **46:2, 49:1**

EXPORT

Generally, **13:5, 21:14**

EX POST FACTO LAW

See RETROACTIVE LAW

EXPRESSION

Access to government, **43:40**
 Advertising, **18:5, 38:1(i), 38:9, 38:12, 38:19, 38:20, 43:3, 43:6, 43:13, 43:18, 43:21 to 43:25, 46:10**
 Assembly
 See ASSEMBLY
 Association
 See ASSOCIATION
 Buses, on, **37:8, 38:18, 43:30, 43:40**
 Censorship, **15:9, 21:4, 43:3, 43:12, 43:29**
 Commercial expression, **16:4, 43:21 to 43:25**
 Compelled expression, **18:5, 43:15**
 Conduct as, **43:7, 43:9, 43:10**
 Confidentiality agreement, **37:24**
 Content neutrality, **43:11, 43:27**
 Court
 access to, **7:18, 40:6, 43:12, 43:31 to 43:33, 50:15**
 contempt of, **43:14, 43:35, 47:24**
 reporting of proceedings, **36:23, 43:12, 43:32, 51:18**
 Criminal law power over, **43:1 to 43:4**
 Defamation, **13:10, 37:12, 43:3, 43:9, 43:11, 43:14, 43:28**
 Definition, **43:8 to 43:11**
 Democracy and, **43:7**
 Description of law, **43:1 to 43:40**
 Election expenditures
 See ELECTIONS
 Election signs
 See ELECTIONS
 Falsehoods, **38:16, 43:6, 43:9, 43:11, 43:27**
 Films, **21:4, 43:3, 43:8, 43:12, 43:29, 46:10**
 Government documents, access to, **43:41**
 Hate propaganda, **38:16, 38:18, 41:6, 43:9 to 43:11, 43:13, 43:27, 51:14**
 Implied bill of rights protection, **34:7**
 Informer privilege
 See INFORMER PRIVILEGE
 Journalist secret source privilege, **37:12, 43:19**
 Language requirements
 See LANGUAGE

INDEX

EXPRESSION—Cont'd

- Legislative assembly, access to, **1:7, 43:34**
- Libel tourism, **13:10**
- Limits on, **16:4, 36:6, 40:9, 43:5, 43:6, 43:11**
- Local matter, **43:3**
- Noise by-law, **40:9, 43:30**
- Oath of allegiance, **43:16**
- Peace order, and good government power over, **43:1 to 43:4**
- Picketing, **37:11, 37:12, 43:12, 43:18, 43:20, 43:26, 44:2**
- Political speech, **21:17, 34:7, 43:1, 43:2, 43:7, 43:36, 43:38**
- Pornography, **38:9, 38:16, 43:29**
- Postering, **37:8, 43:18, 43:30**
- Powers over, **43:1 to 43:4**
- Press, **43:17, 43:28, 43:31 to 43:33**
- Prior restraint on, **43:12**
- Private property, **43:30**
- Profanity, **43:6**
- Public property, **43:12, 43:30**
- Radio regulation
 - See **RADIO**
- Reasons for protection, **43:7**
- Religion
 - See **RELIGION**
- Reputation, **43:9, 43:11, 43:28**
- Signs, **43:3, 43:24**
- Statutory platform, **43:40**
- Television regulation
 - See **TELEVISION**
- Theatre
 - See **THEATRE**
- Threats of violence, **43:10**
- Time manner and place, **43:18**
- Violence as, **43:10**
- Voting, **43:39**
- Waiver, **37:24**
- Warnings on products
 - See **FOOD AND DRUGS**
- Whistle blower protection, **37:24**

EXPROPRIATION

- Compensation, **13:5, 23:7, 23:8, 29:4(d), 29:5, 29:8**
- Crown property, **10:21, 29:7**
- Disguised, **29:8**
- Extraprovincial right, **13:5, 23:8, 29:7, 29:8**

EXPROPRIATION—Cont'd

- Federally incorporated company, **13:5, 23:7, 23:8, 29:7, 29:8**
- Federally regulated undertaking, **29:5, 29:7**
- National capital region, **29:5**
- Navigation, **29:5**
- Provincial power, **23:7, 23:8, 29:3, 29:6**
- Regulation contrasted, **29:8**
- Seizure, not a, **48:4**
- Work for general advantage of Canada, **22:10, 28:17, 28:18**

EXTENSION, REMEDY OF

- Generally, **37:13, 38:20, 40:8**

EXTRADITION

- See also **DEPORTATION**
- Charged in Canada, not, **51:2**
- Charter of Rights, application to, **37:10, 47:15, 53:3**
- Citizen of, **37:14, 46:2**
- Cruel and unusual foreign laws, **37:10, 37:14, 46:5, 47:15, 53:3, 53:7**
- Double jeopardy plea, **51:28**
- Procedure, **37:14, 46:2, 47:32**

EXTRATERRITORIAL COMPETENCE

- Administration of justice, **13:6, 13:9 to 13:14**
- Australian states, **13:3**
- Charter of Rights
 - See **CHARTER OF RIGHTS**
- Company, **13:7, 23:2**
- Contractual rights, **13:5, 13:6, 15:10, 23:8**
- Courts, **13:6, 13:9 to 13:14**
- Description, **13:1 to 13:14**
- Executive power not limited, **13:8**
- Extraterritorial Act, **13:2**
- Federal Parliament, **3:1, 3:3, 8:2, 13:2**
- Interest adjustment and, **25:7**
- Location of rights
 - See **SITUS**
- Marketing, **13:6, 21:22**
- Pollution control, **13:6**
- Privy Council appeals, abolition, **8:2, 13:2**
- Provinces, **10:20, 13:3 to 13:7, 16:1**
- Situs
 - See **SITUS**
- Spending power not limited, **13:8**

EXTRATERRITORIAL COMPETENCE

—Cont'd

Statutory interpretation, **13:2**

Taxation

See TAXATION

United Kingdom Parliament, **13:1, 13:2**

United States' states, **13:3**

Workers' compensation, **13:6**

FACTS

See EVIDENCE

FAIR HEARING

Administrative tribunal

See ADMINISTRATIVE TRIBUNAL

Canadian Bill of Rights, s. 2(f), under, **51:13**

Charter of Rights, s. 11(d), under, **51:15**

Due process

See DUE PROCESS

Fundamental justice

See FUNDAMENTAL JUSTICE

Military tribunal

See MILITARY TRIBUNAL

Natural justice

See NATURAL JUSTICE

Trial

See TRIAL

FAMILY

Adoption

See ADOPTION OF CHILDREN

Alimony

See CUSTODY AND MAINTENANCE

Crime and delinquency, **27:2**

Custody

See CUSTODY AND MAINTENANCE

Distribution of powers, **27:1**

Divorce

See DIVORCE

Jurisdiction of courts, **27:14 to 27:17**

Maintenance of children

See CUSTODY AND MAINTENANCE

Maintenance of spouse

See CUSTODY AND MAINTENANCE

Marriage

See MARRIAGE

Power over, **27:1 to 27:17**

FAMILY—Cont'd

Property, **5:8, 15:15, 27:4, 27:9, 27:16**

Punishment of children, **27:2, 40:1 to 40:10**

Same-sex relationships

See MARRIAGE

FARM

Protective legislation, **16:3, 16:4**

FEDERAL COURT OF CANADA

Appeal to Supreme Court of Canada, **8:6**

Appointment of judges, **7:2, 7:14**

Constitutional questions, power to decide, **7:11, 7:20**

Constitutional status, **1:6**

Crown, suits against, **10:5**

Establishment, **7:1, 7:11**

Evidence exclusive jurisdiction to admit, **7:16, 7:20, 10:7, 47:33**

Independence of judges, **7:14**

Intergovernmental disputes, **10:1**

Jurisdiction

See FEDERAL JURISDICTION

Payment of judges, **7:11, 7:14**

Retirement of judges, **7:11, 7:14**

FEDERAL GOVERNMENT

See CABINET, CANADA, DOMINION
FEDERAL PARLIAMENT,
FEDERALISM, GOVERNOR GEN-
ERAL

FEDERAL IMMUNITY

See INTERJURISDICTIONAL
IMMUNITY

FEDERALISM

Asymmetry

See SPECIAL STATUS

Australia, **5:9 to 5:18, 15:4, 15:8**

Canada, **5:1 to 5:27, 12:2, 15:1**

Charter of Rights and, **38:21, 55:36, 55:49**

Civil liberties and

See CIVIL LIBERTIES

Constitution

See CONSTITUTION

Cooperative

See COOPERATIVE FEDERALISM

Definition, **5:1 to 5:7, 15:1**

INDEX

FEDERALISM—Cont'd

- Delegation between Dominion and provinces
 - See INTER-DELEGATION
- Distribution of powers
 - See DISTRIBUTION OF POWERS
- Diversity of laws, **38:21, 52:23, 55:18, 55:36**
- Executive federalism, **4:2**
- Horizontal imbalance, **6:1**
- Inconsistent laws
 - See PARAMOUNTCY
- Interstate federalism, **4:22**
- Intrastate federalism, **4:22, 9:10**
- Judicial review
 - See JUDICIAL REVIEW OF LEGISLATION
- Paramountcy of federal laws
 - See PARAMOUNTCY
- Reasons for, **5:8**
- Special status
 - See SPECIAL STATUS
- Treaty problems
 - See TREATY
- United States, **5:1, 5:9 to 5:18, 15:4**
- Vertical imbalance, **6:1**

FEDERAL JURISDICTION

- Generally, **7:10 to 7:14, 15:15**

FEDERALLY-REGULATED UNDERTAKINGS

- See INTERJURISDICTIONAL IMMUNITY

FEDERAL PARLIAMENT

- See also PROVINCIAL LEGISLATURE
- Annual sessions, **9:4 to 9:7, 9:10, 47:4 to 47:6**
- Binding itself, **10:14, 12:9, 12:10**
- Cabinet domination, **9:12**
- Candidate right to be
 - See ELECTIONS
- Composition, **9:8**
- Concurrent powers
 - See CONCURRENT POWERS
- Constitutional amendment role in
 - See AMENDMENT OF CONSTITUTION
- Crown power to bind
 - See CROWN
- Definition of Parliament, **5:5, 12:10, 37:7**

FEDERAL PARLIAMENT—Cont'd

- Delegation power of, **14:4**
- Description, **9:8 to 9:12, 9:14**
- Dissolution, **9:6, 9:14, 9:15, 9:19, 9:20, 45:7**
- Elections
 - See ELECTIONS
- Exclusive powers
 - See EXCLUSIVE POWERS
- Extraterritorial competence
 - See EXTRATERRITORIAL COMPETENCE
- Government bills, **12:9**
- Governor General
 - See GOVERNOR GENERAL
- House of Commons
 - See HOUSE OF COMMONS
- Imperial statutes, power over, **3:1 to 3:4**
- Language rights in, **36:7(g), 56:4, 56:9, 56:14, 56:15**
- Law and custom of, **1:8**
- Money bill, **9:10, 9:12, 12:9, 14:5**
- New powers, proposed, **4:21**
- Powers and privileges, **1:7**
- Prime Minister
 - See PRIME MINISTER
- Private bills, **9:12**
- Private members' bills, **9:12, 12:9**
- Procedure review of, **12:10, 47:13**
- Prorogation, **9:18, 9:21**
- Provinces, power to bind, **10:21**
- Residuary power
 - See RESIDUARY POWER
- Royal assent
 - See ROYAL ASSENT
- S. 96, whether bound by, **7.2(f), 7:14, 19:5**
- Senate
 - See SENATE
- Speech from the throne, **9:20**
- Summon into session, **9:3, 9:6, 9:20**
- Treaty
 - implementation, role in, **11:6 to 11:9**
 - making role in, **11:5**
- Uniform law not necessary, **17:4, 55:49**

FEDERAL-PROVINCIAL CONFERENCES

- Amending formula, to review, **4:16**
- Description, **4:23, 5:27**

FEDERAL-PROVINCIAL

CONFERENCES—Cont'd

Meech Lake Constitutional Accord

See MEECH LAKE

CONSTITUTIONAL ACCORD

November 5, 1981, **4:2, 4:12, 36:1, 36:14, 39:2**

FEDERAL-PROVINCIAL

DELEGATION

See INTER-DELEGATION

FEDERAL-PROVINCIAL FINANCIAL

ARRANGEMENTS

See FINANCIAL ARRANGEMENTS

FERRIES

Generally, **22:12**

FILMS

Censorship

See EXPRESSION

Power over, **22:23**

FINANCIAL ARRANGEMENTS

Confederation, at, **5:9, 5:12, 6:1**

Cooperative, **5:27**

Description, **6:1 to 6:10**

Equalization

See EQUALIZATION

Grants

See GRANTS

Shared-cost programmes

See SHARED-COST PROGRAMMES

Spending power

See SPENDING POWER

Tax agreements

See TAX AGREEMENTS

FINKELSTEIN N.

Reasonable search or seizure, on, **38:26**

FIREARMS

See GUNS

FIRST MINISTERS' CONFERENCES

See FEDERAL-PROVINCIAL CONFERENCES

FISHERIES

Environmental protection, **7(b), 30:1 to 30:33, 30:20, 30:26**

Legislative power over, **29:4, 30:15 to 30:20**

FISHERIES—Cont'd

Marketing of fish, **15:8, 15:10, 18:2, 29:4, 30:15 to 30:20**

Natural resource agreement, **28:17**

Processing of fish, **29:4, 30:27**

Proprietary rights in, **30:22 to 30:25**

Public rights in, **30:16**

Records of catch, disclosure, **47:31**

River obstruction of, **30:19, 30:21**

Transportation of fish, **30:27**

FOOD AND DRUGS

See also HEALTH

Manufacture and sale, **18:3**

Marihuana

criminalization of, **47:15, 47:24, 47:25 55:18**

medical use, **47:26, 59:6**

Narcotics

control of, **15:21, 17:3, 17:6, 18:4, 32:1, 47:15, 47:24, 47:25**

denial of bail, **51:18**

religious use, **42:4**

treatment of addiction, **15:21, 18:4, 21:4, 32:1, 47:25**

Prosecution of offences, **19:15**

Standards, **18:3, 20:3, 20:4, 32:1**

Tobacco advertising, **16:4, 18:5, 38:9 38:12, 38.10(d), 38:19, 38:20, 43:11, 43:13, 43:23**

Tobacco health care costs, **7:3, 15:28**

Warnings on products, **18:5, 43:16**

FOREIGN LAWS

See CONFLICT OF LAWS

FOREIGN OWNERSHIP

See PROPERTY

FORESTRY

See NATURAL RESOURCES

FORFEITURE OF RIGHTS

See WAIVER

FOURTEENTH AMENDMENT

See AMERICAN BILL OF RIGHTS

FRANCHISE

See ELECTIONS

FRAUDULENT PREFERENCES

Generally, **25:15**

INDEX

FREE TRADE

Provinces, between, **31:4, 46:7 to 46:10, 46:11, 46:12 to 46:15**

United States with, **11:10**

FREIGHT FORWARDING

Jurisdiction over, **22:4**

FRENCH LANGUAGE

See LANGUAGE

FRENCH LAW IN CANADA

Civil law

See CIVIL LAW

History, **2:1 to 2:7**

FULL ANSWER AND DEFENCE

See FUNDAMENTAL JUSTICE

FULL FAITH AND CREDIT

Generally, **13:9, 13:11, 15:28, 27:1**

FULTON-FAVREAU FORMULA

Generally, **4:2, 14:10**

FUNDAMENTAL FREEDOMS

Assembly

See ASSEMBLY

Association

See ASSOCIATION

Expression

See EXPRESSION

Religion

See RELIGION

FUNDAMENTAL JUSTICE

Absolute liability, **40:6, 47:14, 47:15, 47:16 to 47:18, 51:14**

Arbitrariness, **47:24 to 47:26**

Automatism as defence, **38:30, 47:21**

Canadian Bill of Rights, s. 2(e), under, **35:1, 47:2, 47:13**

Charter s. 7, under, **47:1 to 47:38**

Compellability, **51:12**

Confessions, **47:31**

Corporation, no right to, **47:4, 47:10, 59:6**

Counsel, right to

See COUNSEL, RIGHT TO

Definition, **47:14, 47:15**

Deportation, **11:6**

Disproportionality, **47:25**

Due process

See DUE PROCESS

Duress as defence, **47:22**

FUNDAMENTAL JUSTICE—Cont'd

Extradition, **37:14, 46:2, 47:15, 51:2**

Fairness of trial, **27:6, 47:12, 47:32**

Full answer and defence, **36:23, 40:7, 41:3, 47:33 to 47:36, 51:4, 53:3**

Intoxication as defence, **38:30, 47:23**

Limits under s. 1, **38:25, 47:3**

Mens rea requirement, **40:5, 40:6, 47:14, 47:15, 47:16 to 47:18, 47:20, 47:21 to 47:23, 51:14**

Negligence requirement, **47:16 to 47:18, 51:14**

Overbreadth, **47:24, 47:25, 47:27**

Pre-charge delay, **51:4, 52:6**

Privacy, right to

See PRIVACY

Procedural requirements, **40:6, 47:14, 47:32 to 47:37, 49:10**

Property not protected, **47:2, 47:13**

Silence, right to, **37:16, 37:18, 47:15, 47:31, 50:2, 50:3, 50:12, 50:13, 51:8, 51:10, 54:1, 54:3**

Strict liability, **47:16 to 47:18, 51:14**

Substantive justice, includes, **47:14, 47:15, 60:7**

Vagueness, **47:24, 47:27 to 47:29**

Wrong laws, **47:30**

GAMBLING

Generally, **14:15, 14:17, 15:7, 18:18, 18:19, 21:4, 21:17, 28:20, 34:6, 55:49**

GENERAL POWER

See PEACE, ORDER, AND GOOD GOVERNMENT

GIBSON, DALE

Interjurisdictional immunity, on, **15:18**

Peace order, and good government, on, **17:4**

GOODS

See MARKETING, MOBILITY, TRADE AND COMMERCE

GOODS AND SERVICES TAX

Generally, **31:12**

GOVERNMENT

Agent of, **37:7**

Cabinet

See CABINET

GOVERNMENT—Cont'd

- Canada, of
 - See GOVERNMENT OF CANADA
- Coalition
 - See RESPONSIBLE GOVERNMENT
- Crown
 - See CROWN
- Defeat
 - See DEFEAT OF GOVERNMENT
- Defined, **37:10, 56:8**
- Dialogue within, **36:11**
- Liability
 - See CROWN
- Minority
 - See RESPONSIBLE GOVERNMENT
- Municipalities
 - See MUNICIPALITIES
- Province, of
 - See PROVINCIAL GOVERNMENT
- Responsible government
 - See RESPONSIBLE GOVERNMENT

GOVERNMENTAL IMMUNITY

- See CROWN, INTERJURISDICTIONAL IMMUNITY

GOVERNMENT OF CANADA

- Charter applicable to, **37:10**
- Constitutional amendment in relation to, **4:18**
- Definition of, **37:10**
- Language in, **34:5, 56:14, 56:15**

GOVERNOR GENERAL

- Advice to, **9:16**
- Appointment, **1:2, 3:1, 9:3, 9:6**
- Cabinet, does not attend, **9:5**
- Constitutional amendment
 - See AMENDMENT OF CONSTITUTION
- Conventions limit powers, **1:10, 9:3, 9:4 to 9:7, 9:11**
- Delegation to
 - by Parliament, **14:1**
 - by Queen, **9:3, 11:2, 11:3, 11:13**
- Disallowance of statutes by
 - See DISALLOWANCE
- Education rights appeals, **57:5**
- Great Seal, **11:3**
- Judges, appoints, **7:2, 9:22**
- Judges, removes, **7:3**
- King-Byng dispute, **9:19**

GOVERNOR GENERAL—Cont'd

- Letters patent constituting office, **1:2, 1:4, 11:2, 11:6**
- Lieutenant Governors appoints, **5:9, 5:14, 9:3**
- Ministers appoints, **1:9**
- Money bills recommends, **9:10, 14:5**
- Parliament
 - dissolves, **9:3, 9:14, 9:19, 9:20**
 - prorogues, **9:18, 9:20**
 - summons, **9:3, 9:20**
- Personal prerogatives, **1:9, 9:3, 9:4, 9:16 to 9:24**
- Prime Minister
 - appoints, **1:9, 9:3, 9:4, 9:15**
 - dismisses, **9:14, 9:15**
- Reservation of bills
 - See RESERVATION
- Reserve powers, **1:9, 9:3, 9:4, 9:16 to 9:24**
- Responsible government
 - See RESPONSIBLE GOVERNMENT
- Royal assent to statutes
 - See ROYAL ASSENT
- Salary, **9:3**
- Senators, appoints, **9:3, 9:10, 9:22**
- Speech from the throne, **9:20**
- Tenure, **1:2, 3:1, 9:3**

GOVERNOR IN COUNCIL

- See GOVERNOR GENERAL

GRANTS

- See also FINANCIAL ARRANGEMENTS
- Abatement compared, **6:4, 6:5**
- Conditional, **6:5, 6:7, 6:8, 6:10, 32:2, 33:3**
- Equalization
 - See EQUALIZATION
- Shared-cost programmes
 - See SHARED-COST PROGRAMMES
- Statutory subsidies, **5:9, 6:1, 6:8**
- Tax rental agreement
 - See TAX AGREEMENTS

GREAT BRITAIN

- See UNITED KINGDOM

GREAT SEAL

- Generally, **11:3**

INDEX

GUNS

Control, **5:27, 18:13, 18:18, 21:17**
Search for, **48:21, 48:24, 48:27, 49:3 to 49:8**

HABEAS CORPUS

See REMEDIES

HALDANE, LORD

Generally, **5:11, 5:21, 17:3, 17:7**

HANSARD

See LEGISLATIVE HISTORY

HARBOURS

Generally, **22:12**

HATE PROPAGANDA

See EXPRESSION

HEAD OF STATE

See also GOVERNOR GENERAL,
LIEUTENANT GOVERNOR,
QUEEN
Generally, **9:24**

HEADS OF POWER

See CLASSES OF SUBJECTS

HEALTH

Assisted human reproduction
See ASSISTED HUMAN
REPRODUCTION
Canada Health Act, **6:7, 6:8, 32:3, 32:4 to 32:6**
Compelled treatment, **42:6, 47:26, 55:44**
Drugs
See FOOD AND DRUGS
Federal power over, **6:8, 15:10, 18:3, 18:5, 18:6, 32:2**
Food
See FOOD AND DRUGS
Hospitals power over
See HOSPITALS
Medical profession, power over, **6:8, 18:6, 32:1**
Mental disorder, **32:1**
Physician-assisted dying, **8:13, 15:21, 32:2, 40:8, 47:8, 47:9, 47:12, 47:15, 47:24, 53:2**
Private health care prohibition, **32:6, 47:8, 47:12, 47:26**
Provincial power over, **6:8, 18:5, 18:6, 32:1, 32:3**

HEALTH—Cont'd

Shared-cost programmes
See SHARED-COST PROGRAMMES
Tobacco
See FOOD AND DRUGS
Waiting times, **32:6, 47:8, 47:12, 47:26**

HEARING

See FAIR HEARING

HIGHWAYS

See ROADS

HOLMES, OLIVER WENDELL

Due process, on, **47:10**
Freedom of speech, on, **43:7**
Judicial review, on, **5:21**

HOMOSEXUALITY

See EQUALITY

HOSPITALS

See also HEALTH
Charter, application to, **37:8, 37:10**
Mandatory retirement in, **55:44**
Marine, **32:1**
Power over, **6:8, 18:6, 32:1**

HOUSE OF COMMONS

See also FEDERAL PARLIAMENT
Candidate right to be
See ELECTIONS
Defeat of government
See DEFEAT OF GOVERNMENT
Description, **9:9**
Dissolution
See FEDERAL PARLIAMENT
Duration, **9:6, 9:15, 9:19, 45:7**
Employees, management of, **1:7**
Money bill
See FEDERAL PARLIAMENT
Reference to Supreme Court, **8:8**
Representation by population, **4:14, 4:16, 4:18, 9:6**
Vote right to
See ELECTIONS

HOUSE OF LORDS

Precedent in, **2:2, 8:13**
Supreme Court of U.K., replacement by, **8:13**
Supreme tribunal to settle English law, **2:2, 8:13**

HUGHES, CHIEF JUSTICE, C.E.

Judicial review, on, 5:21

HUMAN RIGHTS CODES

Charter, application to, 34:3, 37:7, 37:13, 55:7, 55:32, 55:48

Description, 34:3, 55:7, 55:42

Discrimination prohibitions, 55:22

Power to enact, 34:6, 55:1

Primacy, 12:10, 40:26, 55:7

HUMAN RIGHTS COMMITTEE OF UNITED NATIONS

Generally, 11:6, 36:20

IGNORANCE OF LAW

See MISTAKE OF LAW

IMMIGRATION

See also MOBILITY, NATURALIZATION AND ALIENS

Deportation

See DEPORTATION

Head tax on Chinese immigrants, 36:29

Immigrants' rights, 47:5, 47:38

Legal representation, 16:3, 26:2

Meech Lake proposal, 4:3

Powers over, 26:1, 26:2, 46:2

Refugee determination, 26:1, 40:9, 46:3, 47:5

Security certificate process, 47:9, 47:32, 49:11, 53:5

IMMUNITY OF INSTRUMENTALITIES

See INTERJURISDICTIONAL IMMUNITY

IMPERIAL CONFERENCES

1930, 1:13, 3:1 to 3:3, 4:1, 9:3, 9:11

1926, 3:1 to 3:3, 8:2, 9:3, 11:10

IMPERIAL PARLIAMENT

Abdication of power by

See LEGISLATIVE POWER

Constitutional amendment by

See AMENDMENT OF CONSTITUTION

Power to legislate for Canada, 1:3, 1:13, 3:1 to 3:5

Power to legislate for dominions, 2:1, 2:5, 2:6, 2:13, 3:1 to 3:5

IMPERIAL STATUTE

British North America Act

See CONSTITUTION ACT, 1867

Canada applicable in, 1:5, 2:7, 2:13, 3:2

Canada's ability to alter, 2:13, 3:1 to 3:5

Colonial Laws Validity Act

See COLONIAL LAWS VALIDITY ACT

Definition, 1:5, 2:13, 3:2

Repugnancy, 3:1 to 3:4, 5:20

Statute of Westminster

See STATUTE OF WESTMINSTER

IMPLIED BILL OF RIGHTS

Generally, 12:3, 15:28, 34:7

IMPORT

Generally, 13:6, 22:23, 22:25, 43:13

IMPRISONMENT

See ARBITRARY DETENTION OR IMPRISONMENT, CRIMINAL LAW, CRUEL AND UNUSUAL PUNISHMENT, LIBERTY, MURDER, PENITENTIARIES

INCIDENTAL EFFECT

Generally, 15:5, 15:24, 17:1

INCOME TAX

See TAXATION

INCONSISTENCY

Federal and provincial laws

See PARAMOUNTCY

Same jurisdiction, within

See REPEAL

INCORPORATION OF COMPANY

See COMPANY

INCORPORATION OF LAWS

See ADOPTION OF LAWS

INDEPENDENCE

See CANADA, UNITED STATES

INDETERMINACY

See VAGUE LAW

INDIA

Directive principles of state policy, 6:6

INDIANS AND INDIAN LANDS

Aboriginal title, 28:3, 28:20, 28:21, 28:32

Adoption laws, 27:6

INDEX

INDIANS AND INDIAN LANDS

—Cont'd

Canadian Bill of Rights and, **28:4**

Charter of Rights and, **28:5**

Child welfare, **28:7 to 28:12**

Definitions

See ABORIGINAL PEOPLES OF CANADA

Drunkenness laws, **28:2, 28:4**

Education, **28:2, 57:1, 57:2**

Gaming laws, **28:20**

Heritage property, **15:24, 21:19, 28:9**

Indian Act, s. 88, 14:15, **28:7 to 28:12, 28:13 to 28:16**

Indian lands, ownership, **28:3, 29:4**

Indians discrimination against, **28:2, 55:1, 55:2, 55:34, 55:39**

Investment of band money, **55:22, 55:26, 55:34**

Labour relations, **21:11, 28:7**

Lands reserved for the Indians, **1:9, 28:3, 28:9**

Natural resources agreements and, **28:17**

Power over, **28:1 to 28:6, 28:7 to 28:41**

Prerogative power over reserves, **1:9, 28:3**

Property law, **28:2, 28:3**

Provincial laws applicable to, **15:19, 15:20, 28:7, 28:37**

Retroactive law regarding status, **28:2**

Rights

See NATIVE RIGHTS

Status law, **27:6, 28:2, 55:32**

Treaties affecting, **28:6, 28:21**

Treaties with, **28:1, 28:6, 28:7, 28:13, 28:23 to 28:27, 28:41**

Vote right to, **28:2, 28:5, 28:40, 45:1 to 45:5, 55:18, 55:49**

INDIVIDUAL

Generally, **37:3**

INDUSTRIAL RELATIONS

See LABOUR RELATIONS

INDUSTRY

See BUSINESS

INFLATION

Matter, as, **17:5, 18:6, 30:31**

Wage and price control

See PEACE ORDER, AND GOOD GOVERNMENT

INFORMATION

Counsel, of, right to

See COUNSEL, RIGHT TO

Laying of, **19:6, 51:2**

Reasons for arrest, of, **50:4**

Specific offence, of, **51:4**

INFORMER PRIVILEGE

Generally, **43:32**

INITIATIVE AND REFERENDUM

Generally, **4:19, 4:23, 12:10, 14:8, 14:9**

INJUNCTION

See REMEDIES

INNOCENCE, PRESUMPTION OF

Crown's burden of proof, **51:14**

Reverse onus, **38:30, 43:13, 43:29, 47:16 to 47:18, 47:21, 51:14, 51:17**

Waiver, **51:17**

INOPERATIVE LAW

Canadian Bill of Rights, effect of, **35:3, 35:4**

Invalid law contrasted, **16:10, 35:4, 35:5**

Paramountcy, effect of

See PARAMOUNTCY

Repealed law contrasted, **16:10, 35:4, 35:5**

INQUEST

Compellability of testimony, **19:7, 51:10**

INSANITY

Burden of proving, **51:14**

Detention on account of, **18:14, 40:4, 40:9, 47:24, 49:3 to 49:8, 51:13**

Evidence of, **40:6, 51:14, 55:24**

INSOLVENCY

See BANKRUPTCY AND INSOLVENCY

INSURANCE

Bank, offered by, **15:18**

Criminal law power, **15:10, 18:18**

Crown monopoly, **23:7**

Federal attempts to regulate, **17:7, 20:2, 21:6, 21:7**

Marine, **17:7, 20:2, 21:6, 21:7, 22:12**

Power over, **21:5 to 21:7, 40:6**

Reasons for regulation, **21:5**

Taxation, **31:23**

INSURANCE—Cont'd

- Unemployment insurance
 - See UNEMPLOYMENT INSURANCE
- United States, 21:6

INTENTION OF LEGISLATORS

- Generally, 15:8, 15:14, 38:16

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

- Generally, 36:20

INTER-DELEGATION

- Acquiescence by governments, 14:18
- Administrative, 13:7, 14:11, 14:18, 15:10, 46:14
- Adoption of laws, 10:19, 14:12 to 14:14, 14:18
- Conditional laws, 14:15 to 14:17, 14:18
- Description, 14:10 to 14:18
- Fisheries, over, 14:11
- Incorporation by reference, 14:12 to 14:14, 14:18
- Legislative, 12:2, 14:10
- Referential legislation, 14:12 to 14:14, 14:18

INTEREST

- Concurrent powers, 15:7
- Federal power over, 21:8, 21:20
- Property and civil rights, relation to, 15:23
- Provincial attempts to regulate, 15:10, 25:7 to 25:9

INTERGOVERNMENTAL LIAISON

- See COOPERATIVE FEDERALISM

INTERJURISDICTIONAL IMMUNITY

- Aeronautics, 22:15
- Bank, 15:18, 24:6
- Crown
 - See CROWN
- Description, 15:16 to 15:21
- Federally-incorporated company, 15:6, 15:17, 23:9
- Federally-regulated undertaking, 15:6, 15:18, 21:11, 29:7, 33:4
- Indians, 28:7 to 28:9, 28:14
- Navigation and shipping, 15:18, 16:3, 22:12, 33:4
- Paramountcy compared, 15:18, 15:21, 16:3, 16:10, 23:9, 25:13

INTERJURISDICTIONAL IMMUNITY —Cont'd

- Provincially-incorporated companies, 15:21, 23:9
- Provincially-regulated undertaking, 15:21, 23:9
- Public property, 29:1
- Taxation, 31:4, 31:21 to 31:23
- United States, 31:24, 31:27

INTERNATIONAL BRIDGE

- Jurisdiction over, 7:11

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

- Charter relevance to, 36:20
- Counsel right to, 36:20
- Individual's right to petition, 11:7, 36:20
- Limitation clauses, 38:1
- Optional protocol under, 11:7, 36:20
- Property not protected by, 47:13
- Religion freedom of, 41:4

INTERNATIONAL LAW

- Constitutional interpretation and, 36:27
- Human rights, on, 11:6 to 11:9, 36:27
- Internal law and, 11:6 to 11:9, 36:27
- Power to decide, 36:12
- Statutory interpretation and, 11:6 to 11:9, 36:27
- Treaty
 - See TREATY

INTERPRETATION OF CONSTITUTION

- See also STATUTORY INTERPRETATION
- Constitutional exemption, 40:2, 40:7 to 40:9, 42:6, 53:4
- English-French discrepancies, 36:24
- Extension remedy of, 37:13
- Originalism, 15:27, 48:5 to 48:12, 60:5
- Progressive interpretation, 15:27, 18:2, 23:6, 24:2, 26:3, 28:26, 36:18, 60:6, 60:7
- Reading down
 - See READING DOWN
- Severance
 - See SEVERANCE

INTERPRETER, RIGHT TO

- Generally, 37:23, 56:13

INDEX

INTERPROVINCIAL TRADE

See TRADE AND COMMERCE

INTERPROVINCIAL UNDERTAKING

See INTERJURISDICTIONAL
IMMUNITY TRANSPORTATION
AND COMMUNICATION

INTERVENER

Amicus curiae compared, **59:12, 59:13**
Attorney General as
 See ATTORNEY GENERAL
Private person as, **59:13**
Reference in, **59:13**

INTOXICATION AS DEFENCE

See FUNDAMENTAL JUSTICE

INUIT

See ABORIGINAL PEOPLES OF CAN-
ADA, INDIANS AND INDIAN
LANDS, NATIVE RIGHTS

INVALID LAW

See UNCONSTITUTIONAL LAW

JEHOVAH'S WITNESSES

Generally, **34:2, 42:6, 47:10, 47:26,**
59:14

JORDAN F.J.E.

Application of Charter to private action,
on, **37:13**

JOURNALIST

See EXPRESSION

JUDGES

See also ADMINISTRATION OF
JUSTICE, COURTS, JUDICIAL
POWER
Appointment, **1:12, 5:9, 5:15, 7:2, 7:14,**
7:15, 13:14
Immunity from suit, **37:11**
Impartiality
 See independence
Independence, **1:8, 5:15, 5:21, 7:2 to 7:8,**
7:14, 7:17, 15:28, 34:2, 36:2, 36:17,
38:28, 51:16, 58:7
Investigative role, **7:5, 43:33, 47:31**
Judicial councils, **7:3**
Legislative power over, **7:3**
Non-judicial functions, **7:15**
Payment, **7:2, 7:3, 7:5, 7:8, 7:14, 7:15,**
15:28, 38:28

JUDGES—Cont'd

Qualifications, **5:21, 7:2, 7:14, 7:15**
Removal, **7:3, 7:8, 15:28**
Retirement, **4:20, 7:3, 55:33**
Supernumerary status, **7:5, 7:8, 15:28,**
38:28
Taxation liability to pay, **31:22**
Tenure
 See independence
Voting, **45:2**

JUDGMENT, RECOGNITION OF

Generally, **13:9, 13:11**

JUDICIAL BRANCH

See JUDICIAL POWER

JUDICIAL COMMITTEE OF PRIVY COUNCIL

Abolition of appeals, **1:2, 3:1, 8:2**
Advice not judgment, **8:2, 9:5**
Appeals from Australia, **8:2**
Appeals from Canada, **1:2, 3:1, 5:11,**
5:20, 8:1, 8:2
Appeals from New Zealand, **8:2**
Appointment of members, **8:2**
Composition, **8:2**
Dissenting views not disclosed, **8:2, 11:12**
Division of powers, impact on, **17:3, 17:7**
Judicial review, power of, **5:20**
Jurisdiction, **8:2**
Precedent in, **2:2, 8:2, 8:13**
Uniformity of common law, **2:2**

JUDICIAL INTERIM RELEASE

See BAIL

JUDICIAL NOTICE

See EVIDENCE

JUDICIAL POWER

See also ADMINISTRATION OF
JUSTICE COURTS, JUDGES
Administrative tribunals, exercise by,
7:19
Delegation
 See DELEGATION
Executive power relation to, **7:15, 9:12**
Legislative power, relation to, **7:15, 9:12**

JUDICIAL REVIEW OF ADMINISTRATIVE ACTION

Appeal contrasted, **7:20**
Common law origin, **34:2**

**JUDICIAL REVIEW OF
ADMINISTRATIVE ACTION
—Cont'd**

Constitutional guarantee of, **7:20**
 Constitutional issue in, **7:20, 21:11, 40:26**
 Constitutional jurisdictional facts, **7:20, 21:11**
 Exclusion of
 See PRIVATIVE CLAUSE
 Federal tribunals, **7:11**
 Privative clause
 See PRIVATIVE CLAUSE
 Remedies to secure, **7:20, 34:2**
 Scope of review, **7:20, 40:26**

JUDICIAL REVIEW OF LEGISLATION

Administration of law, **15:9**
 Advisory opinions, **59:1**
 Alternative grounds, **59:11**
 Alternatives to, **5:22**
 Ancillary power
 See ANCILLARY POWER
 Arbitrariness, **47:26**
 Arguments for and against, **36:4**
 Attorney-General
 See ATTORNEY GENERAL
 Australia, **5:20 to 5:22**
 Canada, **5:20 to 5:22, 12:2 to 12:8**
 Canadian Bill of Rights, under, **35:3**
 Charter of Rights, under, **5:20, 12:10, 36:1, 36:2, 36:4 to 36:7, 39:7, 40:1 to 40:10, 40:11 to 40:25**
 Classification of laws, **15:5 to 15:13**
 Colourable law
 See COLOURABLE LAW
 Constitutional reference
 See REFERENCE
 Declaration of invalidity, **40:3, 40:29**
 Description, **15:1 to 15:30**
 Dialogue with legislatures, **36:9, 40:4, 47:37**
 Directory rule, **1:10, 12:10, 14:5, 56:6, 58:9**
 Discretion of judges, **5:21**
 Disproportionality, **47:25**
 Double aspect
 See DOUBLE ASPECT
 Effect of law
 See EFFECT OF LAW
 Evidence
 See EVIDENCE

**JUDICIAL REVIEW OF LEGISLATION
—Cont'd**

Exclusion of
 See PRIVATIVE CLAUSE
 Federal courts power of, **7:11**
 Federalism and Charter compared, **15:2, 36:18, 36:25 to 36:28**
 Federalism takes priority over Charter, **15:2, 36:25 to 36:28**
 Hansard
 See LEGISLATIVE HISTORY
 History, **5:20 to 5:22, 12:2 to 12:8**
 Interjurisdictional immunity
 See INTERJURISDICTIONAL IMMUNITY
 Judicial activism, **36:5, 36:14**
 Lapse of time irrelevant, **14:18**
 Legislative history
 See LEGISLATIVE HISTORY
 Mandatory rule, **1:10, 12:10, 56:6, 58:9**
 Manner and form
 See LEGISLATIVE POWER
 Moot issue
 See MOOT ISSUE
 Neutral principles, **5:21, 12:8, 15:11**
 New Zealand, not in, **5:20**
 Non-justiciable issue, **1:10, 1:12**
 Overbreadth, **47:24**
 Paramountcy
 See PARAMOUNTCY
 Policy element, **5:21, 12:8, 15:5, 15:11, 36:5**
 Political question
 See POLITICAL QUESTION
 Presumption of constitutionality, **5:21, 15:12, 38:5, 55:24**
 Privative clause
 See PRIVATIVE CLAUSE
 Procedure, **15:1, 59:1 to 59:13**
 Prospective overruling, **58:1**
 Purpose of law, **15:8, 36:13, 38:12 to 38:17**
 Rational basis test, **17:10, 60:13**
 Rationale, **3:4, 5:20, 12:4, 15:1, 40:1, 60:5**
 Reading down
 See READING DOWN
 Ripe issue
 See RIPE ISSUE

INDEX

JUDICIAL REVIEW OF LEGISLATION

—Cont'd

- Severance
 - See SEVERANCE
- Silence of legislature, **37:7**
- Singling out
 - See SINGLING OUT
- Standing
 - See STANDING
- Unconstitutional law, effect of
 - See UNCONSTITUTIONAL LAW
- United Kingdom, not in, **5:20, 12:1**
- United States, **5:20**
- Vagueness
 - See VAGUE LAW
- Wisdom or efficacy of law, **12:8, 15:10**

JUDICIARY

- See COURTS, JUDGES, JUDICIAL POWER

JURY

- See TRIAL

JUSTICES OF THE PEACE

- Independence, **7:5**
- Salaries, **7:5**

JUVENILE DELINQUENCY

- See YOUNG OFFENDERS

KING

- See CROWN, QUEEN

KING, PRIME MINISTER W.L. MCK

- Byng Lord, dispute with, **3:3, 9:18, 9:19, 9:21**
- New deal, **17:7**

LABOUR RELATIONS

- Agricultural workers, **40:9, 44:5, 55:18**
- Airports, on, **15:18**
- Arbitrator's powers, **40:16**
- Australia, **21:10**
- Charter protection, **36:13, 37:7**
- Collective agreement, status of, **1:4, 44:5, 55:50**
- Collective bargaining, right to, **38:18, 44:5**
- History, **21:10**
- Hours, **18:12, 21:10**
- Nuclear power plant, in, **22:10**
- Occupational health and safety, **15:18, 32:1, 32:2**

LABOUR RELATIONS—Cont'd

- Parental benefits, **15:27, 33:2**
- Pensions
 - See PENSIONS
- Picketing
 - See EXPRESSION
- Police
 - See POLICE
- Power to regulate, **17:7, 20:2, 20:4, 21:10, 21:11, 22:7, 22:10, 24:3, 43:1 to 43:4**
- Privacy of employees, **43:26, 44:8**
- Provincial laws, immunity from, **15:18, 15:19**
- Standards, **11:11, 17:7, 18:6, 21:10, 21:11**
- Strike right to, **38:18, 44:5**
- Trade union
 - agency shop, **43:15, 44:8**
 - bargain collectively right to, **1:4, 40:4, 44:4, 44:5, 44:7, 55:50**
 - closed shop, **44:8**
 - form, right to, **37:7, 37:13, 38:20, 44:1 to 44:8**
 - power to regulate, **44:1**
 - strike, right to, **44:5, 44:7**
 - union shop, **44:8**
- Unemployment insurance
 - See UNEMPLOYMENT INSURANCE
- United States, **21:10**
- Work, right to, **44:8, 46:4, 47:10**

LA FOREST G.V.

- Taxation, on, **31:3**

LAND

- See PROPERTY

LANDLORD AND TENANT

- See PROPERTY

LANGUAGE

- Aboriginal peoples, of, **27:6, 56:1**
- Administrative tribunals, in, **56:10**
- Alberta, in
 - See ALBERTA
- Commerce of, **56:16**
- Constitutional amendment in relation to
 - See AMENDMENT OF CONSTITUTION
- Courts in, **56:4 to 56:8, 56:9 to 56:13, 56:14, 56:15**

LANGUAGE—Cont'd

- Delegated legislation of, **56:8**
- Discrepancies between English and French, **36:24**
- Discrimination on basis of, **55:28, 55:38, 56:15**
- Education of
 - remedy for breach, **40:4, 56:22**
 - under s. 23, **4.11(b), 37:4, 38:6, 40:4, 40:15, 40:23, 56:19 to 56:24**
 - under s. 93, **55:38, 57:6, 57:16**
- Expression as, **43:16, 43:22**
- French version of constitution, **56:3**
- General discussion, **56:1 to 56:25**
- Government of Canada, in
 - See GOVERNMENT OF CANADA
- Incorporated legislation, **14:12**
- Incorporation by reference, **56:7**
- Interpreter right to, **56:13**
- Judicial supervision of remedial order, **40.3(g.1), 40:23, 56:25**
- Legislative power over, **17:2, 56:2**
- Manitoba, in
 - See MANITOBA
- Matter, as, **56:2**
- New Brunswick, in
 - See NEW BRUNSWICK
- Official languages of Canada, **56:2, 56:14**
- Parliament of Canada, in
 - See FEDERAL PARLIAMENT
- Police services, **19:10, 56:15**
- Proceedings language of, **56:12**
- Process language of, **56:11**
- Quebec, in
 - See QUEBEC
- Records and journals, **56:5**
- Rights can be expanded, **56:4**
- Saskatchewan in
 - See SASKATCHEWAN
- Simultaneous enactment in English and French, **56:6**
- Statutes of, **12:10, 36:22, 40:9, 56:4 to 56:8, 56:9, 56:15**

LASKIN, CHIEF JUSTICE B.

- Appointment, **1:12**
- Canadian Bill of Rights, on, **35:3**
- Classification, on, **15:4**
- Composition of bench, policy, **8:3**
- Delegation, on, **14:13, 14:14**
- Incorporation power, on, **23:3**

LASKIN, CHIEF JUSTICE B.—Cont'd

- Matter, on, **15:5**
- Paramountcy on, **16:5**
- Privy Council appeals, on, **8:2**

LAURIER PRIME MINISTER W.

- Generally, **5:16**

LAW

- Overbroad
 - See OVERBROAD LAW
- Policy as, **38:7, 40:1**
- Prescribed by law, **38:7 to 38:9**
- Reviewable under s. 52(1), **40:1, 40:13**
- Vague
 - See VAGUE LAW

LAW AND CUSTOM OF PARLIAMENT

- Generally, **1:6**

LAWS OF CANADA

- Generally, **5:5, 7:11, 35:1**

LAWS OF GENERAL APPLICATION

- See also SINGLING OUT
- Generally, **15:6, 15:20, 28:13 to 28:16, 46:4**

LAWYERS

- See PROFESSIONS

LEAGUE OF NATIONS

- Generally, **3:1**

LEDERMAN W.R.

- Delegation, on, **14:10, 14:11**
- Double aspect, on, **15:7**
- Incorporation power, on, **23:3**
- Legislative purpose, on, **15:8**
- Matter, on, **15:5, 15:8**
- Patriation, on, **3:9**
- Peace, order, and good government, on, **17:1, 17:12**

LEGAL AID

- See COUNSEL, RIGHT TO

LEGAL PROFESSION

- See PROFESSIONS

LEGAL RIGHTS

- Charter protections, **47:1**
- Definition, **47:1, 47:10**
- Distribution of powers over, **47:1**

INDEX

LEGISLATIVE ASSEMBLY

See PROVINCIAL LEGISLATURE

LEGISLATIVE BRANCH

See LEGISLATIVE POWER

LEGISLATIVE COUNCIL

Abolition by provinces, 9:10, 12:10

LEGISLATIVE HISTORY

Constitution Acts of, 36:28, 47:14, 47:15, 60:3 to 60:7

Definition, 60:1

Originalism

See INTERPRETATION OF CONSTITUTION

Progressive interpretation

See INTERPRETATION OF CONSTITUTION

Statutes of, 15:8, 38:12, 60:2, 60:8

LEGISLATIVE POWER

Abdication, 3:4, 3:5, 12:10, 14:4

Bill of rights limitations

See BILL OF RIGHTS

Binding other governments

See CROWN

Civil liberties and, 34:3, 34:6

Constitutional restrictions, 12:2 to 12:8

Delegation

See DELEGATION, INTER-DELEGATION

Executive matches, 9:3, 11:13

Executive power, relation to, 1:8, 7:15, 9:3, 9:12, 11:13, 18:1, 19:13, 19:15

Exhaustive distribution, 12:2 to 12:8, 17:1

Extraterritorial competence

See EXTRATERRITORIAL COMPETENCE

Failure to exercise, effect of, 15:23

Federal limits

See FEDERALISM, DISTRIBUTION OF POWERS, JUDICIAL REVIEW OF LEGISLATION

Federal Parliament

See FEDERAL PARLIAMENT

Imperial Parliament

See IMPERIAL PARLIAMENT

Judicial power, relation to, 7:15, 9:12

Language requirements, 12:10, 56:4 to 56:8

LEGISLATIVE POWER—Cont'd

Manner and form limitations, 5:20, 12:10, 35:5, 39:5

New Zealand, 12:1

Parliamentary sovereignty, 3:4, 3:8, 4:15, 10:14, 12:1 to 12:10, 14:9

Procedural limitations

See manner and form limitations

Proprietary rights contrasted, 28:3, 29:3

Provincial Legislature

See PROVINCIAL LEGISLATURE

Retroactive law

See RETROACTIVE LAW

Self-imposed limitations, 12:9, 12:10, 14:9, 35:5

Unwritten restrictions on, 7:5, 7:8, 7:9, 15:28, 38:28, 56:14

LEGISLATIVE SCHEME

See also INTER-DELEGATION

Generally, 15:14

LEGISLATIVE UNION

Generally, 5:2

LEGISLATURE

See FEDERAL PARLIAMENT,

PROVINCIAL LEGISLATURE

LEGITIMATE EXPECTATIONS

Generally, 12:9

LENDING POWER

See SPENDING POWER

LEVESQUE PREMIER R.

Generally, 4:2, 4:3

LIBERTY

Generally, 36:5, 47:9 to 47:11

LICENSING

Fees, 6:1, 31:3, 31:15, 31:16

Regulation by, 31:3, 31:15, 31:16

LIEUTENANT GOVERNOR

See also GOVERNOR GENERAL

Amendment in relation to

See AMENDMENT OF CONSTITUTION

Appointment, 5:9, 5:14, 9:3, 9:6

Cabinet, does not attend, 9:6

Conventions limit powers, 1:10, 5:14

See also RESPONSIBLE GOVERNMENT

LIEUTENANT GOVERNOR—Cont'd

Delegation to by Legislature, **14:1, 14:8, 14:11**

Initiative and referendum

See INITIATIVE AND REFERENDUM

Personal prerogatives, **1:9, 5:14**

Powers, **9:3**

Representative of Crown, **9:3, 10:1**

Reservation of bills

See RESERVATION OF BILLS

Reserve powers, **1:10, 5:14**

Royal assent to statutes

See ROYAL ASSENT

LIFE

Generally, **47:8**

LIMITATION CLAUSE(s. 1)

American Bill of Rights lacks

See AMERICAN BILL OF RIGHTS

Application to s. 7, **38:25, 47:3, 47:38**

Application to s. 8, **38:26, 48:2**

Application to s. 9, **38:27**

Application to s. 11, **38:28**

Application to s. 12, **38:29**

Application to s. 15, **38:23, 55:19, 55:31**

Burden of proof under, **38:4, 38:11**

Canadian Bill of Rights lacks

See CANADIAN BILL OF RIGHTS

Common law, application to, **38:7 to**

38:9, 38:30

Cost as justification, **38:17, 38:20, 38:22,**

38:25, 47:12

Description, **38:1**

Discretion, **38:8**

Emergency measures, **38:32**

Equality clauses, relation to, **38:23, 55:31**

European Convention on Human Rights, in, **38:1**

Evidence, **38:4**

Federalism and, **38:21**

Free and democratic society, values of, **36:27**

International Covenant on Civil and Political Rights, in, **38:1**

Judicial independence, application to, **36:17, 38:28**

Least drastic means, **38:11, 38:20**

Limits, **38:6, 56:17**

Margin of appreciation, **38:21**

LIMITATION CLAUSE(s. 1)—Cont'd

Override clause, relation to, **39:1**

Policy decision, requires, **36:6**

Prescribed by law, **37:13, 38:4, 38:7 to 38:9, 43:30**

Pressing and substantial concern, **38:14**

Proportionality of law, **38:22, 42:5**

Provincial policies, effect on, **36:3**

Purpose of law, **38:11, 38:12 to 38:17, 38:16, 42:5**

Qualified rights, application to, **38:24 to 38:29**

Rational connection, **38:11, 38:12, 38:18, 38:19**

Rationale, **38:2**

Rights, relationship to, **43:11**

Standard of justification, **38:3, 38:7 to 38:22**

Vagueness, **38:9, 43:29**

LIMITATION OF ACTIONS

Constitutional cases, in, **40:10, 58:8, 59:18, 59:19**

Foreign limitations, effect of, **13:14**

Power over, **15:15**

LIQUOR

See TEMPERANCE

LITIGATION

See EVIDENCE, JUDICIAL REVIEW OF ADMINISTRATIVE ACTION, JUDICIAL REVIEW OF LEGISLATION, REMEDY

LIVELIHOOD

See LABOUR RELATIONS

LIVING TREE METAPHOR

Generally, **15:27, 36:13 to 36:17, 36:18**

LOCAL MATTERS

Assembly, **21:4, 41:1**

By-laws

See DELEGATED LEGISLATION

Film censorship

See EXPRESSION

Health, **18:6, 21:4, 32:1**

Highway regulation, **21:4**

Legislative power over, **15:26, 21:4**

Local option, **14:15, 55:49**

Municipalities

See MUNICIPALITIES

Residuary character, **15:26, 17:1**

INDEX

LOCAL MATTERS—Cont'd

Social assistance, **33:5**

Trade regulation, **20:1, 21:4**

LOCAL WORKS

See DECLARATORY POWER,
TRANSPORTATION AND COM-
MUNICATION

LOCKE, JOHN

Judicial independence, on, **7:3**

LOCUS STANDI

See STANDING

LONG-ARM STATUTES

Generally, **13:10, 13:11**

LORD'S DAY

See SUNDAY OBSERVANCE

LOWER CANADA

See also CANADA EAST, QUEBEC,
UNITED PROVINCE OF CAN-
ADA

Generally, **2:6, 2:7, 5:4, 9:2**

LYSYK, K.

Indians, on, **28:2**

Peace order, and good government, on,
17:6

MACDONALD, SIR JOHN A.

Confederation, on, **5:3**

MAGNA CARTA

Generally, **34:2**

MAINTENANCE

See CUSTODY AND MAINTENANCE

MALLORY, J.R.

Constitutional litigation, on, **59:1**

Judicial review, on, **5:21**

MANDAMUS

See REMEDY

MANDATORY RULE

Generally, **1:10, 12:10, 56:6, 58:9**

MANITOBA

See also MANITOBA ACT, 1870

Boundaries, **2:7, 2:9**

Creation, **1:6, 2:9**

Crown in right of, liability

See CROWN

MANITOBA—Cont'd

Education rights in, **56:17, 57:6**

Invalidity of laws, **15:28, 58:9, 58:10**

Language rights in, **4:16, 4:17, 5:4,**
12:10, 14:8, 15:28, 40:4, 56:3, 56:4,
56:6, 58:9 to 58:11, 58:13

Legislative Council abolition, **9:10, 12:10**

Natural resources agreement

See NATURAL RESOURCES
AGREEMENTS

Reception of law, **2:5, 2:9**

Responsible government, **9:2**

School question, **5:16, 57:1, 57:2, 57:6**

Translation of laws, **55:17**

Unilingual laws, validity, **56:6**

MANITOBA ACT, 1870

Generally, **1:6, 2:9, 12:9**

MANNER AND FORM

See LEGISLATIVE POWER

MARGARINE

Generally, **17:7, 17:12, 18:2, 18:3, 20:2,**
20:4, 21:8, 34:6

MARGIN OF APPRECIATION

Generally, **38:21**

MARITIME

See NAVIGATION AND SHIPPING

MARITIME PROVINCES

New Brunswick

See NEW BRUNSWICK

Nova Scotia

See NOVA SCOTIA

Prince Edward Island

See PRINCE EDWARD ISLAND

MARKETING

Agriculture, **29:4**

Cooperative regulation, **20:3, 21:14,**
46:14

Declaratory power, **20:2, 22:10**

Delegation of power, **14:11**

Federal power, **17:7, 20:2 to 20:4, 21:8,**
21:12 to 21:14

Food and drugs

See FOOD AND DRUGS

Free trade between provinces, **13:6, 31:4,**
46:8, 46:9

Levies, **20:3, 31:16**

MARKETING—Cont'd

- Margarine
 - See MARGARINE
- Natural resources
 - See NATURAL RESOURCES
- Production controls, **20:3, 21:14, 30:2, 30:18**
- Product standards, **20:3, 46:10**
- Provincial power
 - extraterritorial effects, **15:9, 21:14**
 - in general, **20:2, 20:3, 21:14, 30:2**
- Reasons for regulation, **21:12**
- Stocks and bonds
 - See SECURITIES REGULATION
- Surplus disposal, **20:3**
- United States, **21:13, 21:14**

MARRIAGE

- See also FAMILY
- Australia, **5:9, 27:1**
- Civil union, **27:3**
- Divorce
 - See DIVORCE
- Indians effect on status, **28:2**
- Judicial separation, **27:5**
- Marital status
 - See EQUALITY
- Power over, **5:9, 12:2, 27:1, 27:3, 27:4, 42:1, 55:47**
- Property rights in, **27:4, 27:9, 55:18, 55:24, 55:47**
- Recognition, **27:1, 27:3**
- Same-sex marriage, **8:11, 12:2, 15:27, 27:3, 27:8, 42:11, 55:18, 55:48**
- Sexual orientation
 - See EQUALITY
- Solemnization, **15:23, 27:3, 42:11**
- United States, **5:9, 27:1**

MARSHALL, G.

- Patriation, on, **3:8, 3:9**

MATTER

- Competition as, **20:4**
- Definition, **15:4, 15:5 to 15:13, 15:14, 36:18, 60:2**
- Distinctness, **17:5**
- Environment as, **30:31**
- Expression as, **43:3**
- Health as, **18:6**
- Inflation as, **17:5, 20:4**
- Labour relations as, **21:11**

MATTER—Cont'd

- Language as, **56:2**
- New, **17:6**
- Pollution as, **20:4, 30:31**
- Religion as, **42:1**

MEDICARE

- Generally, **5:8**

MEECH LAKE CONSTITUTIONAL ACCORD

- Generally, **1:4, 4:3, 4:6, 4:12, 4:15, 4:16, 4:20, 4:23, 5:4, 5:24, 6:7, 6:8, 8:1, 8:14, 9:10, 39:2**

MEETING

- See ASSEMBLY

MEMBER OF COMMONWEALTH

- See COMMONWEALTH

MEMBER OF THE PUBLIC

- Generally, **37:2, 56:15**

MENS REA

- See FUNDAMENTAL JUSTICE

MENTAL DISABILITY

- See EQUALITY

MENTAL DISORDER

- See INSANITY

METIS

- See ABORIGINAL PEOPLES OF CANADA, INDIANS AND INDIAN LANDS, NATIVE RIGHTS

MILITARY TRIBUNAL

- See also ARMED FORCES
- Equality argument, **55:2**
- Fair hearing, **7:6**
- Independence, **7:6, 58:7**
- Jury, no right to, **51:24**
- Minister, role of, **7:6, 47:32**
- Offence under military law, **47:24, 51:3, 51:24, 55:2, 58:7**

MILL, JOHN STUART

- Direct and indirect taxation, on, **31:6**
- Freedom of speech, on, **43:7**

MINISTER

- Appointment, **1:9, 9:4, 9:6**
- Cabinet membership, **9:5**
- Deputy minister contrasted, **9:4**

INDEX

MINISTER—Cont'd

- Dismissal, **1:9, 9:4, 9:6, 9:7**
- Duties, **9:7**
- Member of Parliament, **9:4**
- Personal liability, **9:7**
- Resignation, **9:7**
- Responsibility to Parliament, **9:7**
- Role in constitutional amendment, **4:15**
- Taxation liable to pay, **31:22**
- Testimony power to compel, **10:9, 15:8**

MINISTERIAL RESPONSIBILITY

- Generally, **9:7**

MINISTER OF JUSTICE

- See also ATTORNEY GENERAL
- Extradition, **47:15, 51:2**
- Scrutiny of statutes, **36:11, 40:30**

MINORITY LANGUAGE

EDUCATIONAL RIGHTS

- See EDUCATION

MISTAKE OF LAW

- Defence as, **47:16 to 47:18**

MOBILITY

- Aboriginal right, **28:19**
- Capital, **46:12 to 46:15**
- Corporation not entitled to, **37:4, 46:6, 46:11**
- Deportation, **17:8, 46:1, 46:2, 47:9, 55:46**
 - See also DEPORTATION
- Description, **46:1 to 46:15**
- Emigration, **46:2**
- Entry to Canada, **37:14, 40:23, 46:2**
- Extradition, **37:14, 46:2**
 - See also EXTRADITION
- Goods, **8:13, 20:3, 28:19, 31:2, 46:7 to 46:10**
- Immigration
 - See IMMIGRATION
- International, **26:1, 26:2, 28:19, 46:2**
- Interprovincial, **26:1, 26:2, 32:4, 46:3**
- Livelihood, **36:14, 46:4, 46:11**
- Passport, right to
 - See PASSPORT
- Persons, **46:1 to 46:6, 46:11**
- Prisoner in foreign gaol, **46:2**
- Services, **46:11**

MONARCHY

- See CROWN HEAD OF STATE, QUEEN

MONEY BILL

- See FEDERAL PARLIAMENT

MOOT ISSUE

- Generally, **1:11, 8:11, 40:23, 43:2, 59:7 to 59:9**

MOVEMENT

- See MOBILITY

MOVIES

- See FILMS

MULRONEY, PRIME MINISTER M. BRIAN

- Generally, **4:3**

MULTI-CULTURALISM

- Generally, **42:10, 43:11, 55:35**

MUNDELL, D.W.

- Matter, on, **15:5**

MUNICIPALITIES

- Charter, application to, **37:8, 37:10**
- Duty to consult aboriginal people, **28:38**
- Prayer in, **42:10**
- Provincial power over, **55:49**
- Variations in municipal laws, **55:49**

MURDER

- Attempted murder, **47:19, 47:20**
- Felony murder, **47:19, 58:4**
- Life imprisonment for, **47:19, 53:4**
- Mens rea requirement, **47:19, 47:20**
- Party to, **47:19**

MUTUAL MODIFICATION

- Generally, **15:23, 20:1, 36:23**

NARCOTICS

- See FOOD AND DRUGS

NATIONAL SECURITY

- Generally, **10:7, 19:12, 36:9, 47:32**

NATIONAL UNITY

- Generally, **36:3**

NATIVE RIGHTS

- See ABORIGINAL RIGHTS

NATURALIZATION AND ALIENS

Generally, **21:18, 26:2, 26:3, 29:2, 46:3, 55:1**

NATURAL JUSTICE

Generally, **34:2, 47:14, 47:38**

NATURAL LAW

See NATURAL RIGHTS

NATURAL RESOURCES

Aboriginal rights to

See NATIVE RIGHTS

Agreements

See NATURAL RESOURCES
AGREEMENTS

Electricity

See ELECTRICITY

Environment

See ENVIRONMENT

Export, **13:5, 21:14, 29:3, 29:8, 30:2, 30:5, 30:30, 31:14**

Fisheries

See FISHERIES

Forestry, **29:3, 30:15 to 30:20, 31:14**

Import, **30:7**

Legislative powers over, **4:20, 4:21, 15:27, 18:2, 30:1 to 30:33**

Marketing

See MARKETING

Offshore minerals, **17:2, 17:3, 30:4 to 30:10**

Oil and gas, **21:14, 30:1, 31:14**

Onshore minerals, **29:3, 30:1 to 30:3**

Pipeline

See PIPELINE

Pollution

See ENVIRONMENT

Production controls

See MARKETING

Proprietary rights over

See PUBLIC PROPERTY

Public property

See PUBLIC PROPERTY

Taxation, **4:21, 15:9, 29:3, 31:1, 31:14**

Territories in, **30:5, 30:16**

Uranium, **17:3, 30:6, 30:10, 30:30**

NATURAL RESOURCES

AGREEMENTS

Generally, **28:11, 28:17, 29:2**

NATURAL RIGHTS

Generally, **36:13**

NAVIGATION AND SHIPPING

Expropriation of works, **29:5**

Floating of logs, **30:17**

Labour relations, **21:11**

Local shipping, **22:1, 22:12**

Marine insurance

See INSURANCE

Maritime law, **7:11, 15:19, 15:20, 16:3, 22:12, 33:4**

Pollution of water, **30:32**

Port regulation of land use, **15:18, 22:12**

Power over, **22:1, 22:12**

River obstruction of, **30:17, 30:28**

NECESSITY

Bias, cure for, **58:7**

Justification for usurper's act, **5:27**

No defence to tort action, **34:2**

Parliamentary privilege, test for, **1:7**

Validation of invalid decisions, **7:5, 58:7**

Validation of invalid laws, **5:27, 40:4, 56:6, 58:9**

NEUTRAL PRINCIPLES

See JUDICIAL REVIEW OF LEGISLATION

NEW BRUNSWICK

Confederation, **2:7**

Constitution, **1:4, 1:9, 2:2 to 2:4, 2:7**

Courts, language in, **56:2, 56:9, 56:10**

Crown in right of liability of

See CROWN

Government services, language of, **56:14, 56:15**

History, **2:2 to 2:4**

Legislative Council, abolition of, **9:10, 12:10**

Legislature, language in, **56:4**

Liquor regulation, **8:13, 20:3**

Official languages, **56:14, 56:15**

Reception of law, **2:1, 2:2 to 2:4**

Responsible government, **9:3**

NEW DEAL

Generally, **6:2, 17:7, 17:11, 36:13**

NEWFOUNDLAND

Admission to Canada, **2:12, 5:6**

Change of name, **1:4**

INDEX

NEWFOUNDLAND—Cont'd

Constitution, **1:4, 2:4**
Crown in right of, liability of
 See CROWN
Denominational school rights, **1:4, 4:17**
History, **2:2 to 2:4**
Offshore, **13:4, 17:2, 30:13**
Reception of law, **2:2 to 2:4, 2:12**
Responsible government, **2:12, 9:2**
Terms of union, **1:4, 4:17**

NEWFOUNDLAND ACT

Generally, **1:4, 2:12, 4:17, 56:17**

NEW FRANCE

Generally, **2:6**

NEW ZEALAND

Civil liberties, **31:6, 31:7**
Constitutional amendment, **5:19, 5:20**
Crown liability in tort, **10:12**
Judicial review, absence of, **5:20, 12:1**
Member of Commonwealth, **3:1**
Parliamentary sovereignty, **12:1**
Privy Council appeals, **8:2**
Same-sex marriage, **27:3**
Supreme Court, **8:2, 8:6**
Treaty implementation, **11:7**
U.K. Parliament, termination of authority,
 3:4
Unitary state, **5:19, 5:20, 12:1**

NON-JUSTICIABLE ISSUE

See also POLITICAL QUESTION
Generally, **1:10, 1:12**

NORTHERN IRELAND

Generally, **2:13, 5:1, 5:3, 5:20, 12:1, 14:2**

NORTHWEST TERRITORIES

Admission to Canada, **2:9**
Annexations to provinces, **2:7, 2:9**
Courts, **7:13**
Devolution, **5:3, 14:4**
Federal power over
 See TERRITORIES

NOTWITHSTANDING CLAUSE

See CHARTER OF RIGHTS

NOVA SCOTIA

Confederation, **2:7**
Constitution, **1:4, 1:9, 2:1, 2:2 to 2:4, 2:7**

NOVA SCOTIA—Cont'd

Crown in right of, liability of
 See CROWN
History, **2:1, 2:2 to 2:4, 2:11**
Legislative Council, abolition, **9:10, 12:10**
Reception of law, **2:1, 2:2 to 2:4, 2:11**
Responsible government, **9:2**
Secession attempt, **5:25**

NUCLEAR POWER

See ATOMIC ENERGY

NULLIFICATION

See UNCONSTITUTIONAL LAW

NUNAVUT

Creation, **2:9**
Devolution, **5:3**
Representation in Parliament, **1:4**

OATH OF ALLEGIANCE

Generally, **43:16**

OCCUPATIONS

See BUSINESS, LABOUR RELATIONS,
 PROFESSIONS, TRADES

OCCUPIED FIELD

See PARAMOUNTCY

O'CONNOR REPORT

Peace, order, and good government, on,
 17:1

OFFENCE

Definition, **51:3**
Military law, under, **51:3, 51:24**
Penalty change in, **43:28**
Power to create
 See CRIMINAL LAW
Regulatory
 See CRIMINAL LAW
Retroactive, **51:26**
True crime
 See CRIMINAL LAW

OFFICIAL LANGUAGES

See LANGUAGE

OFFSHORE MINERALS

See NATURAL RESOURCES

OIL AND GAS

See NATURAL RESOURCES

ONTARIO

- Boundaries, **2:7, 2:9**
- Canada West
 - See CANADA WEST
- Confederation, **2:5, 2:6**
- Crown in right of, liability
 - See CROWN
- Fiscal capacity, **6:6**
- History, **2:5, 2:6**
- Language rights in, **12:10**
- Reception of law, **2:2 to 2:4, 2:5, 2:6**
- Responsible government, **9:2**
- Supreme Court of Canada, judges from, **8:3, 8:14**
- Tax agreements
 - See TAX AGREEMENTS
- United Province of Canada
 - See UNITED PROVINCE OF CANADA
- Upper Canada
 - See UPPER CANADA

ONUS OF PROOF

- See BURDEN OF PROOF

OPTING OUT

- See AMENDMENT OF CONSTITUTION, CHARTER OF RIGHTS, SHARED-COST PROGRAMMES

ORIGINALISM

- See INTERPRETATION OF CONSTITUTION

OVERBROAD LAW

- Section 1, **38:20, 38:21**
- Section 7, **47:24, 47:27**

PARADE

- See ASSEMBLY

PARAMOUNTCY

- Australia, **15:25, 16:1**
- Common law, **16:1**
- Conflict of laws distinguished, **27:10**
- Covering the field, **16:4, 16:5**
- Description of law, **16:1 to 16:10**
- Double civil liability, **16:9**
- Double criminal liability
 - See DOUBLE JEOPARDY
- Double taxation
 - See TAXATION
- Duplication, **16:5, 16:6, 16:7 to 16:9**

PARAMOUNTCY—Cont'd

- Effect of inconsistency, **15:16, 16:10**
- Enlargement by Indian Act, **16:5, 28:10, 28:15**
- Express contradiction, **16:3, 16:4, 25:15**
- Express extension of, **16:6**
- Federal systems, in, **5:1, 16:1**
- Frustration of federal purpose, **16:4**
- Interjurisdictional immunity and
 - See INTERJURISDICTIONAL IMMUNITY
- Judicial review under, **5:20, 16:10**
- Maintenance and custody orders, **27:6 to 27:8**
- Negative implication, **16:4, 16:5**
- Overlap of laws, **16:7 to 16:9**
- Pensions, **16:1**
- Permissive rules and, **16:4**
- Pre-confederation law, **16:1**
- Reversed, **16:1**
- United States, **15:25, 16:1, 16:5**
- Validity contrasted, **15:16, 16:1, 16:8, 16:10**
- Waiver of, **14:17, 16:6**

PARDON

- See CRIMINAL LAW

PARENS PATRIAE

- Generally, **27:11**

PARENT

- See CHILD

PARKS

- Generally, **15:19, 29:2, 31:16, 43:3**

PARLIAMENT

- See FEDERAL PARLIAMENT, IMPERIAL PARLIAMENT, PROVINCIAL LEGISLATURE, UNITED KINGDOM PARLIAMENT

PARLIAMENTARY GOVERNMENT

- See RESPONSIBLE GOVERNMENT

PARLIAMENTARY PRIVILEGE

- Charter of Rights, application to
 - See CHARTER OF RIGHTS
- Constitutional status, **1:4, 1:7, 37:7**
- Definition, **1:7**
- Party caucus, composition of, **1:9**

INDEX

PARLIAMENTARY PROCEDURE

See also **FEDERAL PARLIAMENT**
Access to legislative Chamber, **1:7, 37:7, 43:34**
Enforceability, **12:10, 14:5**
Law and custom of Parliament, **1:6**
Manner and form contrasted, **12:10**
Parliamentary privilege
 See **PARLIAMENTARY PRIVILEGE**
Royal consent to bill affecting prerogative, **1:9**

PARLIAMENTARY SOVEREIGNTY

See **LEGISLATIVE POWER**

PAROLE

See **CRIMINAL LAW**

PASSPORT

Prerogative power to issue, **1:9, 46:2**
Right of citizen, **37:14, 40:23, 46:2**

PATENTS

Generally, **18:16, 20:4, 32:2**

PATRIATION

See also **AMENDMENT OF CONSTITUTION**
Generally, **3:5, 4:20**

PEACE ORDER, AND GOOD GOVERNMENT

Aeronautics
 See **AERONAUTICS**
Apprehended insurrection, **17:9**
Atomic energy, **17:3, 30:10**
Citizenship, **37:4, 46:3**
Companies incorporation, **17:2, 23:1**
Competition, **17:7**
Delegation, **14:7**
Deportation, **17:8**
Depression not emergency, **17:7, 17:11, 17:12**
Distinctness of matter, **15:5, 15:26, 17:5, 17:12**
Double aspect doctrine, **17:2**
Drugs, **17:3, 17:6, 18:4**
Emergency branch, **17:3, 17:7 to 17:11, 17:12, 21:11**
Expression
 See **EXPRESSION**
Extraterritorial restriction, **13:2**
Gap branch, **17:2, 17:7**

PEACE ORDER, AND GOOD GOVERNMENT—Cont'd

Health, **18:6, 32:2**
Inflation as emergency, **15:26, 17:10, 21:11**
Insurance, **17:9**
Labour relations
 See **LABOUR RELATIONS**
Language, **17:2, 56:2**
Margarine
 See **MARGARINE**
Marketing, **17:7**
National capital region, **17:3, 17:4, 21:2, 29:5**
National concern branch, **17:3 to 17:6, 17:12**
National security
 See **NATIONAL SECURITY**
New deal
 See **NEW DEAL**
New matters, **17:6**
Offshore minerals, **17:2, 17:3**
Pollution, **11:12, 17:3, 18:6, 30:32**
Precedent
 See **PRECEDENT**
Provincial inability test, **17:4**
Radio, **22:16 to 22:18**
Rent control, **17:8, 21:8**
Residuary character, **12:2, 17:1**
Royal assent, **4:16**
Royal style and titles
 See **QUEEN**
Speech
 See **EXPRESSION**
Temperance, **17:3, 17:6, 17:12**
Temporary character of emergency law, **17:11, 17:12**
Treaty implementation, **11:12, 17:2, 17:3, 17:7, 22:13, 22:16**
Trenching, **15:5**
Unemployment insurance, **17:1, 17:7**
Voting qualifications, **45:1**
Wage and price control, **15:26, 17:5, 17:7, 17:10, 21:8**
Wartime legislation
 See **WAR MEASURES ACT**

PENAL LAW

See **CRIMINAL LAW**

PENDENT JURISDICTION

Generally, 7:11

PENITENTIARIES

See also CRIMINAL LAW

Australia, 5:9

Cruel and unusual conditions in, 53:6

Definition, 19:18

Power over, 5:9, 18:1, 19:18

Prisoners voting, 36:9, 45:2

Prisons, power over, 19:18

Search of prisoners, 48:22, 55:27, 55:41

Transfer of prisoners, 46:2, 47:9, 50:17

United States, 5:9

PENSIONS

Amendment, 6:7, 14:10, 15:27, 17:7,
33:1, 33:3

Canada Pension Plan, 5:4, 6:7, 33:3

Federal-provincial delegation, 14:10, 33:3

Old age, 4:20, 6:7, 14:10, 15:25, 15:27,
17:7, 33:3

Power over, 15:25, 33:1, 33:3

Quebec Pension Plan, 5:4, 6:7, 33:3

Taxation of, 31:20

PERMANENT RESIDENT

Generally, 26:1, 37:5, 46:3, 46:4, 51:31

PER SALTUM APPEALS

Generally, 8:2

PERSON

Generally, 37:2, 45:6, 51:21

PHYSICAL DISABILITY

See EQUALITY

PICKETING

See EXPRESSION

PIPELINE

Immunity from provincial law, 15:18

Power over, 15:18, 22:11, 28:38, 30:3,
30:8

PITH AND SUBSTANCE

Generally, 13:5, 13:6, 15:4, 15:5, 15:9,
15:14, 15:15, 15:20, 15:25

PLAIN VIEW

See SEARCH OR SEIZURE

POLICE

See also CRIMINAL LAW

POLICE—Cont'd

Arrest

See ARREST

Caution to suspect, 40:9, 50:5 to 50:16

Detention

See DETENTION

Disciplinary procedures, 51:3

Evidence obtained in breach of Charter,
38:12 to 38:17

Federal power over, 18:1, 19:13

Private person as agent, 48:17

Provincial forces, 19:8, 19:9

Provincial power over, 15:19, 18:1, 19:8

Questioning of suspect, 47:31, 50:2, 50:7,
50:12, 50:14

Royal Canadian Mounted Police

collective bargaining, right to, 38:18,
44:5

federal policing, 19:13

inquiry into force, 19:16

language obligations, 19:10, 56:15

national security policing, 19:10

provincial policing, 19:10

provincial power over, 15:19, 19:10

strike right to, 38:18, 44:5

territorial policing, 19:11

union, 44:4

Schools, in, 41:11, 48:5 to 48:12, 57:18

Search and seizure

See SEARCH AND SEIZURE

Security guards compared, 37:13

Sniffer dogs, use of, 41:11, 48:5 to 48:12,
48:14, 48:27, 57:18

Trickery, 47:31

POLITICAL PARTIES

Regulation, 45:4

POLITICAL QUESTION

Generally, 5:21, 8:11, 15:11, 36:8 to
36:11, 36:12

POLLUTION

See ENVIRONMENT

POLYGAMY

See RELIGION

PORNOGRAPHY

See EXPRESSION, SEARCH AND
SEIZURE

INDEX

PORT

See NAVIGATION AND SHIPPING

POSTAL SERVICE

Generally, **15:19, 22:9, 22:11**
Community mail boxes, **22:11**

PRACTICE

See USAGE

PRAIRIE PROVINCES

Alberta
See ALBERTA
Manitoba
See MANITOBA
Saskatchewan
See SASKATCHEWAN

PREAMBLE

Constitution Act, 1867, of
See CONSTITUTION ACT 1867
Statute, of, **15:8**

PRECEDENT

See also CASE LAW, COMMON LAW,
RES JUDICATA
Constitutional cases, **8:13, 36:18**
High Court of Australia, **2:2, 8:13**
House of Lords, **2:2, 8:13**
Privy Council, **2:2, 8:13**
Prospective overruling, **58:1**
Reference cases, **8:13**
Supreme Court of Canada, **2:2, 8:13**
Supreme Court of United States, **2:2, 8:13**

PRE-CONFEDERATION LAWS

Generally, **2:7, 3:2, 3:3, 13:7, 35:1**

PREEMPTION

See PARAMOUNTCY

PRELIMINARY INQUIRY

Charge, power to, **51:4**
Constitutional questions, power to decide,
40:28
Court of competent jurisdiction, as, **40:16, 40:28**

PREMATURITY

See RIPENESS

PREMIER

See also PRIME MINISTER
Appointment, **9:17**
Death, **9:4, 9:17**

PREMIER—Cont'd

Dismissal, **9:18**
Dissolution power to advise, **45:7**

PREROGATIVE POWER

Charter, application to, **1:9**
Crown's power, **1:8, 1:9, 29:3, 34:2**
Dispensing power, **1:9, 34:2**
Displacement by statute, **1:9, 8:2, 11:5, 29:3**
Federal distribution, **1:9, 9:3, 10:1, 19:17**
Immunity from statute, **10:13**
Indian reserves, **1:9, 28:3**
International affairs, **1:9, 11:2, 11:4**
Judicial Committee of Privy Council, **8:2**
Legislative power over colonies, **1:9, 2:4**
Letters Patent constituting office of
Governor General, **1:2, 1:9, 11:2, 11:13**
Pardon, **19:17**
Proprietary right contrasted, **29:3**
Responsible government
See RESPONSIBLE GOVERNMENT
Rights of subject, over, **1:9**
Royal consent to bill affecting prerogative, **1:9**
Suspending power, **1:9, 34:2**

PRESCRIBED BY LAW (s. 1)

See LIMITATION CLAUSE (s. 1)

PRESS

See EXPRESSION

PREVENTIVE LAW

Generally, **17:11, 18:11, 18:16**

PRICE CONTROL

See WAGE AND PRICE CONTROL

PRIMACY CLAUSE

Generally, **12:10, 40:26, 55:7**

PRIME MINISTER

See also PREMIER
Acting or deputy, **9:17**
Appointment, **1:9, 9:4, 9:15, 9:17**
Cabinet
calls meetings, **9:6**
chooses members, **9:5**
defines consensus, **9:6**
presides over, **9:5**
settles agenda, **9:6**

PRIME MINISTER—Cont'd

- Chief Justices, recommends appointment, **1:12, 8:3, 9:6**
- Constitution does not mention, **1:2**
- Death, **9:4, 9:17**
- Dismissal, **9:14, 9:15, 9:18**
- First ministers' conferences, chairs, **5:27**
- Government power to bind, **5:27**
- Governor General, recommends appointment of, **9:3, 9:6**
- Lieutenant Governor, recommends appointment of, **9:3, 9:6**
- Ministers appoints and dismisses, **1:9, 9:4, 9:6**
- Parliament
 - advises dissolution, **9:6, 9:19, 42:3**
 - advises summoning, **9:6**
- President of United States compared, **9:6**
- Resignation, **9:4, 9:15, 9:17, 9:18**
- Retirement, **9:4, 9:17**
- Statutes do not mention, **1:14**

PRINCE EDWARD ISLAND

- Constitution, **1:4, 1:9, 2:2 to 2:4, 2:11**
- Crown in right of, liability
 - See CROWN
- History, **1:5, 2:1, 2:2 to 2:4, 2:11**
- Legislative Council, abolition, **9:10, 12:10**
- Reception of law, **2:1, 2:2 to 2:4, 2:11**
- Responsible government, **9:2**

PRISONERS

- See PENITENTIARIES

PRISONS

- See PENITENTIARIES

PRIVACY

- Corporation, **48:5 to 48:12**
- Employees of
 - See LABOUR RELATIONS
- Liberty element of, **47:10, 47:32 to 47:37**
- Litigants of, **43:32**
- Search or seizure protection, **48:5 to 48:12**
- Witness, of, **36:23, 47:27 to 47:29**

PRIVATE INTERNATIONAL LAW

- See CONFLICT OF LAWS

PRIVATIVE CLAUSE

- Constitutional limitations on, **7:19, 7:20, 12:2, 40:26, 58:2**
- Definition, **7:20**
- Interpretation of, **7:20, 34:2**
- Notice requirements contrasted, **58:3**
- Taxation, barring recovery, **58:7**

PRIVILEGE

- See EVIDENCE

PRIVY COUNCIL

- Amending procedures, role in, **4:9**
- Cabinet active part of, **9:5**
- Court, as
 - See JUDICIAL COMMITTEE OF PRIVY COUNCIL
- Establishment, **9:2, 9:5**
- Judicial committee
 - See JUDICIAL COMMITTEE OF PRIVY COUNCIL
- Membership, **9:2, 9:5**

PROBATE FEES

- See TAXATION

PROBATION

- See CRIMINAL LAW

PROCEDURE

- See ADMINISTRATION OF JUSTICE, CIVIL PROCEDURE, CRIMINAL PROCEDURE, FUNDAMENTAL JUSTICE, JUDICIAL REVIEW OF LEGISLATION, PARLIAMENTARY PROCEDURE

PRODUCT STANDARDS

- See MARKETING

PROFESSIONS

- Advertising by
 - See EXPRESSION
- Disciplinary procedures, **38:31, 51:3**
- Independence of the bar, **15:28, 38:31, 47:15**
- Power over, **15:7, 19:6, 19:14, 21:9**
- Solicitor-client privilege
 - See EVIDENCE

PROGRESSIVE INTERPRETATION

- See INTERPRETATION OF CONSTITUTION

INDEX

PROHIBITION

See REMEDY, TEMPERANCE

PROPERTY

American Bill of Rights protection, **29:8, 47:2, 47:10, 47:13**

Canadian Bill of Rights protection, **29:8, 35:1, 35:7, 47:2, 47:13**

Charter of Rights lack of protection, **13:11, 29:8, 35:7, 47:2, 47:10, 47:13, 48:4**

Divorce, division on, **27:4, 27:9, 27:16**

Expropriation

See EXPROPRIATION

Foreign ownership, **21:18, 46:5**

Forfeiture, **18:17, 18:19, 51:3**

Gun control, **18:13, 18:18, 21:17**

Heritage, **15:24, 21:19, 28:9**

Indian property

See NATIVE RIGHTS

Land use, **15:5, 15:18, 22:15, 25:7**

Location of

See SITUS

Non-resident ownership, **46:5**

Power over, **21:17 to 21:19, 31:9**

Public property

See PUBLIC PROPERTY

Search or seizure

See SEARCH OR SEIZURE

Taxation

See TAXATION

Zoning, **15:5, 15:18, 22:15**

PROPERTY AND CIVIL RIGHTS

Agriculture relation to

See AGRICULTURE

Bankruptcy and insolvency

See BANKRUPTCY AND
INSOLVENCY

Builders lien, **15:18**

Business

See BUSINESS

Civil liberties excluded, **21:3**

Civil rights defined, **21:3**

Contracts, **9:12, 12:9, 21:20, 29:8**

Debt adjustment, **21:20**

Definition, **21:2**

Environment

See ENVIRONMENT

Expropriation

See EXPROPRIATION

PROPERTY AND CIVIL RIGHTS

—Cont'd

Federal laws affecting, **17:12**

Films

See FILMS

Fisheries, relation to

See FISHERIES

Health, **32:1**

History, **2:6, 5:11, 21:2**

Insurance

See INSURANCE

Interest

See INTEREST

Intraprovincial trade and commerce, **20:2**

Labour relations

See LABOUR RELATIONS

Land use

See PROPERTY

Literature

See LITERATURE

Local trade and commerce, **20:2, 21:4**

Marital

See MARRIAGE

Marketing

See MARKETING

Natural resources

See NATURAL RESOURCES

Pollution

See ENVIRONMENT

Prices

See WAGE AND PRICE CONTROL

Professions

See PROFESSIONS

Property

See PROPERTY

Residuary character, **17:1**

Securities regulation

See SECURITIES REGULATION

Speech

See EXPRESSION

Sunday observance

See SUNDAY OBSERVANCE

Territorial limitation, **21:14, 21:22**

Theatre

See THEATRE

Trade and commerce

See TRADE AND COMMERCE

Trades

See TRADES

PROSECUTION

See CRIMINAL LAW

PROSPECTIVE OVERRULING

See PRECEDENT

PROSTITUTION

Bawdy house, **40:4, 47:12, 47:25**
 Charter protection, **43:9, 43:13, 43:25, 47:12, 47:24, 47:25, 47:27 to 47:29, 60:8**
 Communicating for sale, **40:4**
 Living on avails, **40:4, 47:12, 47:24, 47:25, 51:14**
 Power to regulate, **18:19, 40:4**
 Standing to sue, **59:5**

PROVINCES

Admission to Canada, **1:5, 2:10 to 2:12**
 Airspace, jurisdiction over, **13:4**
 Alberta
 See ALBERTA
 Boundaries, **2:7, 2:9, 4:14, 4:17, 13:4**
 British Columbia
 See BRITISH COLUMBIA
 Confederation, **2:7**
 Constitutional amendment, role in
 See AMENDMENT OF CONSTITUTION
 Constitutions
 See CONSTITUTION OF THE PROVINCE
 Contract power to, **6:9, 11:13**
 Creation, **1:6, 2:9, 4:14**
 Crown in right of
 See CROWN
 Equality, **4:2, 5:1, 5:4, 5:6**
 Government
 See PROVINCIAL GOVERNMENT
 Legislative Councils, abolition, **9:10, 12:10**
 Legislatures
 See PROVINCIAL LEGISLATURE
 Lieutenant Governors
 See LIEUTENANT GOVERNOR
 Manitoba
 See MANITOBA
 New Brunswick
 See NEW BRUNSWICK
 Newfoundland and Labrador
 See NEWFOUNDLAND

PROVINCES—Cont'd

Nova Scotia
 See NOVA SCOTIA
 Offshore jurisdiction over, **13:4**
 Ontario
 See ONTARIO
 Premiers
 See PREMIER
 Prince Edward Island
 See PRINCE EDWARD ISLAND
 Public property, distribution
 See PUBLIC PROPERTY
 Quebec
 See QUEBEC
 Responsible government
 See RESPONSIBLE GOVERNMENT
 Revenues
 See FINANCIAL ARRANGEMENTS
 Saskatchewan
 See SASKATCHEWAN
 Secede, power to
 See SECESSION
 Social laboratories, as, **5:8, 5:27**
 Special status
 See SPECIAL STATUS
 Terms of union, enforceable, **5:4**
 Territorial limits, **13:4**
 Treaty-making power, **11:13, 22:1**

PROVINCIAL GOVERNMENT

Charter applicable to, **37:6, 37:7, 37:10**
 Definition of government, **37:10**

PROVINCIAL IMMUNITY

See INTERJURISDICTIONAL IMMUNITY

PROVINCIAL LEGISLATURE

Access to proceedings, **1:7, 37:7, 43:34**
 Annual sessions, **9:6, 45:8**
 Binding itself, **10:14, 12:9, 12:10, 14:9**
 Candidate, right to be
 See ELECTIONS
 Concurrent powers
 See CONCURRENT POWERS
 Definition of Legislature, **5:5, 37:7**
 Delegation power of, **14:3**
 Dissolution, **45:7**
 Dominion, power to bind, **10:19**
 Duration, **4:19, 9:6, 45:7**

INDEX

PROVINCIAL LEGISLATURE—Cont'd

- Exclusive powers
 - See EXCLUSIVE POWERS
- Extraterritorial competence
 - See EXTRATERRITORIAL COMPETENCE
- Imperial statutes power over, **3:3**
- International law, power to violate, **11:6**
- Other provinces, power to bind, **10:20**
- Powers and privileges, **1:7, 4:19**
- Treaty implementation, role in, **11:6, 11:7, 11:11, 11:12**
- Upper houses abolished, **9:10, 12:10**
- Vote right to
 - See ELECTIONS

PUBLIC HEARING

- See TRIAL

PUBLIC INQUIRY

- Generally, **19:16**

PUBLIC LAW

- Conquest, effect on, **2:5, 21:2**
- Definition, **21:2**

PUBLIC PROPERTY

- See also SPENDING POWER
- Confederation at, **29:1**
- Definition, **29:2**
- Expression on
 - See EXPRESSION
- Expropriation
 - See EXPROPRIATION
- Federal power over, **6:8, 29:2, 29:5**
- Federal property, application of provincial law, **29:2**
- Indian lands
 - See INDIANS AND INDIAN LANDS
- Natural resources agreements
 - See NATURAL RESOURCES AGREEMENTS
- Ownership and legislative power, **28:3, 29:3**
- Pollution on, **30:32**
- Proprietary right, **29:2, 29:3, 30:1, 30:4, 30:16, 30:17, 30:23, 30:24, 31:15**
- Provincial power over, **21:14, 29:2, 30:1**
- Royalties, **29:3, 30:1, 30:16, 31:14, 31:15**
- Taxation of, **29:3, 31:4, 31:16, 31:21 to 31:23**

PUBLIC SERVANTS

- Liability of
 - See CROWN
- Political activity by, **9:7, 15:20, 43:36**

PUNISHMENT

- See CRIMINAL LAW, CRUEL AND UNUSUAL PUNISHMENT

PURPOSE OF LAW

- Charter of Rights for, **36:13, 36:14**
- Distribution of powers, for, **15:8, 36:13**

QUEBEC

- Amending procedures, role in
 - See AMENDMENT OF CONSTITUTION
- Amendment, role of
 - See AMENDMENT OF CONSTITUTION
- Bill of rights
 - See QUEBEC CHARTER OF RIGHTS AND FREEDOMS
- Boundaries, **2:7, 2:9**
- Canada East
 - See CANADA EAST
- Charlottetown Accord
 - See CHARLOTTETOWN ACCORD
- Civil law, **2:5 to 2:7, 43:28**
- Confederation, **2:5, 2:6**
- Courts, language in, **56:4, 56:5, 56:9 to 56:13**
- Crown in right of liability of
 - See CROWN
- Defamation, **43:28**
- Distinct society, **4:3, 4:15, 4:20, 5:4, 38:14**
- Education language of (s. 23), **56:5, 56:19 to 56:24**
- History, **2:5, 2:6**
- House of Commons, representation in, **4:3, 5:4**
- International relations, **11:13**
- Interpreter, right to, **56:13**
- Language guarantees (s. 133), **40:4, 56:4 to 56:16, 58:13**
- Language policies, **4:3, 43:16, 43:22, 56:5**
- Legislative Council, abolition, **4:19, 9:6, 12:10, 14:9**
- Legislature language in, **56:4 to 56:8**

QUEBEC—Cont'd

Lower Canada
 See LOWER CANADA
 Meech Lake Constitutional Accord
 See MEECH LAKE
 CONSTITUTIONAL ACCORD
 Nation, **4:1**
 Official language, **56:3, 56:14**
 Pension plan
 See QUEBEC PENSION PLAN
 Responsible government, **9:2**
 Right to vote in, **43:39, 45:2, 55:49**
 Secession, **4:3, 4:20, 5:24 to 5:26, 15:28**
 Shared-cost programmes, opting out, **6:5, 6:7, 6:10**
 Sovereignty-association, **4:3, 4:20, 5:4, 5:24**
 Special status
 See SPECIAL STATUS
 Supreme Court of Canada, judges from, **5:4, 8:3, 8:4, 8:14**
 Tax agreements
 See TAX AGREEMENTS
 Treaty-making, **11:13**
 United Province of Canada
 See UNITED PROVINCE OF CANADA

QUEBEC ACT, 1774

Generally, **1:4, 2:6, 21:2**

QUEBEC CHARTER OF HUMAN RIGHTS AND FREEDOMS

Generally, **1:6, 34:4, 36:7, 39:8, 42:7, 42:10, 47:8, 47:12, 47:26, 56:4**

QUEBEC CHARTER OF THE FRENCH LANGUAGE

Generally, **56:5, 56:21**

QUEBEC PENSION PLAN

Generally, **6:7**

QUEEN

See also CROWN, HEAD OF STATE
 Abolition of monarchy, **3:5, 4:16, 4:20, 9:24**
 Amendments in relation to
 See AMENDMENT OF CONSTITUTION
 Canada head of state, **4:20, 9:3**
 Commonwealth head of, **3:5, 9:23, 9:24**
 Constitution references to, **1:2, 9:3**

QUEEN—Cont'd

Conventions limit powers, **1:10, 9:3**
 See also RESPONSIBLE GOVERNMENT
 Definition of Queen, **1:4, 9:3**
 Disallowance of statutes
 See DISALLOWANCE
 Executive power, **1:2**
 Governor General
 appoints, **1:2, 3:1, 9:3**
 delegates power to, **9:3, 11:2, 11:3**
 Law-making power, lacks, **1:9**
 Oath of allegiance to, **43:16**
 Personal prerogatives, **1:9**
 Royal assent to statutes
 See ROYAL ASSENT
 Royal style and titles, **3:1, 4:6, 9:3**
 Senators role in appointment, **9:3**
 Succession to throne, **1:4, 3:1, 9:3**

QUO WARRANTO

See REMEDY

RACE

See EQUALITY

RADIO

Content regulation, **22:18, 43:4**
 Local broadcasting, **22:17**
 Power over, **22:15, 22:16 to 22:18**
 Technical regulation, **22:18**
 Television similarity to, **22:16, 22:19**

RAILWAY

Federal power over, **18:16, 22:1, 22:7 to 22:9, 22:11**
 Labour relations, **21:11, 22:7**
 Local railways, **22:1, 22:2, 22:7 to 22:9, 22:13**
 Provincial power over, **15:20, 22:1, 22:11**

RAPE-SHIELD LAW

See EVIDENCE

READING DOWN

Generally, **10:18, 15:15, 15:16, 36:17, 40:2, 40:7**

READING IN

Generally, **37:13, 40:2, 40:4, 40:6, 40:7, 40:9, 47:16 to 47:18**

INDEX

REASONABLE

- Bail
 - See BAIL
- Compensation for opting out of amendments
 - See AMENDMENT OF CONSTITUTION
- Delay in informing of charge
 - See DELAY
- Limits
 - See LIMITATION CLAUSE (s. 1)
- Residency requirement for social services, **46:3**
- Search or seizure
 - See SEARCH OR SEIZURE
- Time to be tried within
 - See TRIAL

RECEPTION

- See ENGLISH LAW IN CANADA,
FRENCH LAW IN CANADA

RECONSTRUCTION OF INVALID LAW

- See also READING IN, SEVERANCE
- Generally, **40:6**

RECORDS

- See LITERATURE

REFERENCE

- Advisory only, **7:15, 8:8, 8:11, 8:13**
- Constitutionality, **7:15, 8:10**
- Description, **8:8 to 8:12, 40:1**
- Discretion not to answer, **1:10, 8:11**
- Non-legal questions, of, **1:10, 8:11**
- Parties, **59:13**
- Proof of facts in, **8:12, 60:10**
- Standing, **8:8, 8:9, 59:1**

REFERENDUM

- Amendment by, **3:7, 4:23**
- Australia for amendment, **4:5, 4:23**
- Charlottetown Accord, for approval, **4:3, 4:23**
- Conscription for approval, **4:23**
- Expenditures, **43:38**
- Law-making by
 - See INITIATIVE AND REFERENDUM
- Local option, **14:15**
- Newfoundland, for entry, **2:12, 5:25**
- Power to impose, **12:10**

REFERENDUM—Cont'd

- Prohibition, for approval, **4:23**
- Right to vote in, **43:39, 45:2, 55:49**
- Scotland, for secession, **5:24**
- Sovereignty, for approval (1995), **4:3, 4:20, 5:24, 5:25**
- Sovereignty-association for approval (1980), **4:3, 4:20, 5:24, 5:25**
- Taxes for approval, **12:10**
- Western Australia, for secession, **5:25**

REFERENTIAL LEGISLATION

- See INTER-DELEGATION

REFORM OF CONSTITUTION

- See also AMENDMENT OF CONSTITUTION, PATRIATION
- Generally, **4:20 to 4:23**

REFUGEE

- See IMMIGRATION

REGION

- Generally, **5:6, 6:10, 8:14, 9:10**

REGIONAL VETO

- See AMENDMENT OF CONSTITUTION

RELIGION

- Atheism, **42:3, 42:10**
- Charter of Rights, **42:2 to 42:9**
- Conscience, **41:3**
- Corporation lacks, **37:2, 59:6**
- Denominational school rights
 - See EDUCATION
- Denominational schools, in, **42:9**
- Discrimination on basis of
 - See EQUALITY
- Hate speech, **36:23, 42:6**
- Jehovah's Witnesses
 - See JEHOVAH'S WITNESSES
- Municipality, in, **42:10**
- Neutrality, public duty of, **42:8, 42:10**
- Polygamy, **42:6**
- Power over, **42:1**
- Public schools, in, **36:5, 42:6, 42:8, 57:15**
- Solemnization of marriage, **27:3, 42:11**
- Sunday observance
 - See SUNDAY OBSERVANCE
- Testimony behind veil, **36:23, 42:6**
- Waiver of right, **37:24, 42:7**

REMEDY

- Appeal from s. 24 application, **40:23**
- Application for judicial review, **34:2, 40:1, 59:1**
- Apprehended infringements of rights, for, **40:15**
- Breach of Charter, for, **21:3, 36:29, 40:1 to 40:31**
- Breach of Constitution, for, **1:9, 40:1 to 40:31**
- Breach of convention, for, **1:9**
- Certiorari, **34:2**
- Constitutional tort, **40:17**
- Costs
 - See COSTS
- Court of competent jurisdiction, **40:2, 40:16**
- Damages
 - See DAMAGES
- Declaration
 - See DECLARATION
- Dismissal of charge, **40:17**
- Evidence, exclusion of
 - See EVIDENCE
- Extraterritorial effect, **13:10**
- Foreign court, issued by
 - See JUDGMENT, RECOGNITION OF
- Habeas corpus, **34:2, 50:17, 53:5**
- Illegal official action, for, **34:2**
- Injunction, **34:2, 40:1, 40:16, 40:17**
 - extraterritorial effect, **13:10**
 - interlocutory, **13:10**
- Judges, against, **37:11**
- Judicial supervision of compliance, **36.4(e), 40:23, 56:25**
- Mandamus, **34:2, 40:16**
- Prohibition, **34:2, 40:16**
- Prospective, **40:4, 55:48, 58:1**
- Quashing conviction, **40:17**
- Quo warranto, **34:2, 40:16**
- Recovery of invalid tax, **58:8**
- Reference
 - See REFERENCE
- Release from custody, **50:17**
- Restitution, **18:17, 58:6**
- Retroactive, **40:4, 58:1**
- Return of seized goods, **40:17**
- Section 24(1) described, **40:11 to 40:25**
- Standing
 - See STANDING

REMEDY—Cont'd

- Stay of proceedings, **40:16, 40:17, 52:16, 58:2**
- Suspended, **40:4, 58:1**
- Trial unreasonably delayed, for, **52:16**
- Unconstitutional law
 - See UNCONSTITUTIONAL LAW

REPATRIATION

- See PATRIATION

REPEAL

- Implied, **12:9, 35:5, 35:6**
- Inoperative law contrasted, **16:10**
- Manner and form restriction on, **12:10**
- Protection from, **12:10**
- Revival, **16:10**

REPUGNANCY

- See IMPERIAL STATUTE, INCONSISTENCY

REPUTATION

- See EXPRESSION

RESERVATION OF BILLS

- Federal bills, **3:1, 9:3, 9:11**
- Provincial bills, **3:1, 5:14, 9:3, 9:11**

RESIDENT

- Corporation as, **37:5**
- Discrimination against non-residents, **46:3**
- Mobility rights of, **46:3, 46:4**
- Occupations restricted to, **46:4**
- Permanent resident, **37:5, 46:3**
- Property right to hold, **46:5**
- Social services, right to, **46:3**
- Voting restricted to, **46:4**

RESIDUARY POWER

- See also PEACE, ORDER, AND GOOD GOVERNMENT
- Australia
 - See AUSTRALIA
- Canada, **5:9, 5:11, 14:9, 15:26, 17:1**
- United States
 - See UNITED STATES

RES JUDICATA

- Generally, **8:13, 58:4, 58:5, 58:9**

RESPONSIBLE GOVERNMENT

- Cabinet
 - See CABINET

INDEX

RESPONSIBLE GOVERNMENT

—Cont'd

- Canada, **1:2**
- Coalition government, **9:9, 9:20**
- Conventional basis, **1:2, 1:4, 1:9, 1:10, 5:14, 9:3**
- Defeat of government
 - See DEFEAT OF GOVERNMENT
- Description, **9:1 to 9:24**
- Elections under, **9:19**
- Governor General
 - See GOVERNOR GENERAL
- Head of state, role of
 - See HEAD OF STATE
- History, **1:2, 1:9, 1:10, 2:6, 9:2**
- Lieutenant Governor
 - See LIEUTENANT GOVERNOR
- Minister
 - See MINISTER
- Minority government, **9:9, 9:20**
- Premier
 - See PREMIER
- Prime Minister
 - See PRIME MINISTER
- Queen
 - See QUEEN
- Separation of powers
 - See SEPARATION OF POWERS
- United States compared, **1:9**
- Withdrawal of confidence
 - See DEFEAT OF GOVERNMENT

RESTITUTION

- See REMEDY

RETROACTIVE LAW

- Charter of Rights, retroactive effect
 - See CHARTER OF RIGHTS
- Declaratory law, **51:26**
- Judicial decision, created by, **58:1**
- Statutes, **7:3, 15:28, 28:2, 34:2, 36:5, 36:30, 51:26, 51:31**

RETROSPECTIVE LAW

- See RETROACTIVE LAW

REVENUE

- See FINANCIAL ARRANGEMENTS, SHARED-COST PROGRAMMES, TAX AGREEMENTS, TAXATION

REVERSE DISCRIMINATION

- See EQUALITY

REVERSE ONUS CLAUSE

- See INNOCENCE, PRESUMPTION OF

REVOLUTION

- See also SECESSION
- Generally, **5:26**

RIPE ISSUE

- Generally, **8:11, 59:10**

RIVERS

- Dam, **30:28**
- Fisheries
 - See FISHERIES
- Floating of logs, **30:19, 30:20**
- Hydro-electricity
 - See ELECTRICITY
- International or interprovincial, **30:32**
- Obstruction, **30:19, 30:21**
- Pollution, **30:32**

ROADS

- Billboards alongside, **43:24**
- Breath sample, demand for, **18:19, 48:30, 50:3, 51:3, 51:9, 51:13, 51:14**
- Bus line
 - See transport regulation
- Concurrent powers over, **15:7, 15:25**
- Dangerous driving, **47:17, 47:18, 47:20**
- Driver's licence
 - production, **48:18**
 - religious exemption, **38:22, 42:6, 55:40**
 - suspension, **16:3 to 16:5, 18:2, 18:16, 47:9, 51:3**
- Expression on, **43:3, 43:24**
- Federal power over, **15:7**
- Inter-delegation, **14:13, 22:5**
- Offences, **18:16**
- Paramountcy, **16:5**
- Power over, **15:24, 18:16, 18:19, 21:4, 22:11**
- Random stops by police, **48:22, 49:3 to 49:8, 50:3**
- Speed-limiter requirement, **38:25**
- Tolls payment of, **16:3, 16:4**
- Transport regulation, **14:13, 22:5, 22:7, 22:11, 22:13 to 22:15**
- Trucking
 - See transport regulation
- Vehicle search of, **48:26**

ROOSEVELT, PRESIDENT F.D.

- Court-packing plan, **36:5**

ROWELL-SIROIS REPORT

Generally, **6:2, 6:3, 6:6**

ROYAL ASSENT

Amendments in relation to
See **AMENDMENT OF CONSTITUTION**

Disallowance

See **DISALLOWANCE**

Legislative power over, **4:16**

Procedure, **4:6, 4:16**

Requirement, **1:12, 9:3, 9:11, 12:10, 14:8, 14:9**

Reservation

See **RESERVATION OF BILLS**

Royal consent to affect prerogative
contrasted, **1:9, 9:11**

Royal recommendation for money bill
contrasted, **9:11**

Withholding, **1:10, 1:13, 5:14, 9:11**

**ROYAL CANADIAN MOUNTED
POLICE**

See **POLICE**

ROYAL PREROGATIVE

See **PREROGATIVE POWER**

ROYAL PROCLAMATION, 1763

Generally, **1:4, 2:6, 28:1, 28:3, 28:21, 28:40**

ROYAL STYLE AND TITLES

See **QUEEN**

RULE

See **DELEGATED LEGISLATION**

RULE OF LAW

Generally, **1:1, 7:16, 15:28, 36:11, 40:6, 40:9, 58:4, 58:9, 59:2**

RUPERT'S LAND

Generally, **2:9**

RUSSELL P.H.

Canadian Bill of Rights, on, **35:9**

Judicial independence, on, **7:4**

SASKATCHEWAN

Creation, **1:6, 2:9**

Crown in right of, liability of

See **CROWN**

Language rights in, **12:10, 40:4, 58:11**

SASKATCHEWAN—Cont'd

Natural resources agreement

See **NATURAL RESOURCES
AGREEMENTS**

Reception of law, **2:2, 2:9**

Responsible government, **9:2**

SASKATCHEWAN ACT

Generally, **1:6, 2:9, 5:4, 12:9, 56:17 to 56:25**

SASKATCHEWAN BILL OF RIGHTS

Generally, **1:6, 34:4**

**SASKATCHEWAN HUMAN RIGHTS
CODE**

Generally, **34:4**

SAVINGS BANKS

See **BANKING**

SCHOOLS

See **EDUCATION**

SCOTLAND

Generally, **2:2, 2:13, 5:1, 5:3, 5:20, 5:24, 12:1, 14:2**

SCOTT, S.A.

Initiative and referendum, on, **14:8**

SCOTT F.R.

Crown liability, on, **10:12**

Treaty power, on, **11:12**

SEARCH OR SEIZURE

Abandoned property, **48:15**

Airport, in, **48:5 to 48:12, 48:28, 50:3**

Arrest incident to

See **ARREST**

Bodily samples, **48:15, 48:21, 48:23, 48:26**

Border at, **48:28, 50:3**

Bus station, in, **41:11, 48:5 to 48:12, 48:28**

Common law powers, **34:2, 48:2, 48:5 to 48:12**

Computer, **41:11, 48:5 to 48:12, 48:15**
shared computer, **48:27**

Consensual, **37:19, 48:35**

Counsel, right to

See **COUNSEL RIGHT TO**

Description, **48:2 to 48:37**

Documents, production, **37:14, 48:18 to 48:20**

INDEX

SEARCH OR SEIZURE—Cont'd

Dwellinghouse of, **48:21**
Electricity consumption, **48:5 to 48:12**
Electronic surveillance, **41.8(b), 41:11, 48:16, 48:17**
Evidence admissibility, **41:4, 41:8, 41:9**
Expropriation not seizure, **48:4**
Foreign documents, **37:14, 48:20**
Garbage, **48:15**
Genital swab, **48:23**
Government records, **48:5 to 48:12**
Hospital records, **48:5 to 48:12**
Illegal, **48:34**
Investigative detention, incident to, **48:24, 49:3 to 49:8, 50:2**
Law office, of, **48:31**
Persons, of, **48:4, 48:21, 48:23, 49:1**
Plain view, **48:3, 48:14, 49:3 to 49:8**
Pornography, **48:5 to 48:12**
Press premises, of, **43:17**
Preventative, **48:32**
Prisons, in, **48:22, 55:27, 55:41**
Private person, by, **48:17**
Public buildings, on entry, **48:29**
Reasonable expectation of privacy, **48:5 to 48:12**
Regulatory inspections, **47:31, 48:21 to 48:35**
Rented locker, **48:5 to 48:12**
Return of goods seized, **40:17, 48:37**
Safety (or protective) search, **48:25**
Schools in, **41:11, 48:5 to 48:12, 48:22, 48:27, 50:3**
Search defined, **48:4 to 48:15**
Securing of premises, **41:9**
Security guard, by, **37:13, 48:5 to 48:12**
Seizure defined, **48:4 to 48:15**
Smell as search, **41:9, 48:5 to 48:12, 48:14, 48:21**
Sniff by dog as search, **41:11, 48:5 to 48:12, 48:14, 48:24, 48:27, 48:28, 49:3 to 49:8, 57:18**
Solicitor-client privilege
 See EVIDENCE
Strip search, **48:26**
Telephone, **48:4 to 48:15, 48:23**
Text messages, **48:5 to 48:12**
Thermal imaging, by, **48:5 to 48:12, 48:14**
Unreasonable, **48:21 to 48:35**

SEARCH OR SEIZURE—Cont'd

Vehicle, of, **48:26, 49:3 to 49:8**
Warrant, quashing, **40:17**
Warrant, requirement of, **40:6, 48:3, 48:21 to 48:35**
Warrant, sealing order, **43:32**
Wiretap
 See electronic surveillance
Writ of assistance, **41:11, 48:3, 48:33**

SECESSION

See also REVOLUTION
Amendment, by, **5:25**
Confederacy's attempt, **5:25**
Nova Scotia's attempt, **5:25**
Power of, **5:24 to 5:26**
Quebec
 See QUEBEC
Scotland's attempt, **5:24**
Western Australia's attempt, **5:25**

SECURITIES REGULATION

Cooperative, **5:27, 20:4, 21:16**
National, **20:4, 21:16**
Paramountcy, **16:3, 16:5, 16:7**
Power over, **15:7, 15:24, 18:2, 18:16, 18:19, 20:4, 21:15, 21:16, 23:6, 23:7, 29:4, 46:13**
Provincial disability, **21:15, 23:7**
United States, **21:16**

SECURITY OF THE PERSON

Generally, **47:12, 47:32 to 47:37**

SECURITY SERVICE

Generally, **19:12**

SEIZURE

See SEARCH OR SEIZURE

SELF-INCRIMINATION

See also COMPELLABILITY OF ACCUSED
Generally, **34:2, 34:6, 47:15, 47:31, 48:15, 51:7, 54:1 to 54:11**

SENATE

See also FEDERAL PARLIAMENT
Abolition, **4:16, 12:10, 14:9**
Age qualification, **55:33**
Amendments in relation to
 See AMENDMENT OF CONSTITUTION
Appointment of senators, **9:3, 9:10, 9:22**

SENATE—Cont'd

Australia compare, **9:10**
 Candidate, right to be, **45:6**
 Consultative elections, **4:14, 9:10**
 Defeat of government in, **9:7**
 Description, **9:10**
 Money bill
 See **FEDERAL PARLIAMENT**
 Powers, **9:10**
 Privileges, **7:11**
 Property qualifications, **4:18**
 Reference to Supreme Court, **8:8**
 Reform, **4:14, 4:22, 9:10**
 Representation by region, **2:7, 5:6, 9:10**
 Retirement, **55:33**
 Term limits, **4:14, 4:18, 9:10**
 United States, compare, **9:10**

SENTENCE

See **CRIMINAL LAW**

SEPARABILITY

See **SEVERANCE**

SEPARATION

See **SECESSION**

SEPARATION OF POWERS

Generally, **7:15, 8:10, 9:12, 14:5**

SERVICE EX JURIS

Generally, **13:10, 13:11**

SEVERANCE

See also **READING DOWN, READING IN**

Consistent from inconsistent laws, **16:7, 16:10**

Valid from invalid laws, **15:14, 36:16, 37:13, 38:18, 40:2, 40:4 to 40:6, 40:9, 42:6, 47:16 to 47:18**

SEX

See **EQUALITY**

SEXUAL ORIENTATION

See **EQUALITY**

SHARED-COST PROGRAMMES

Canada Assistance Plan
 See **CANADA ASSISTANCE PLAN**
 Canada Health Act
 See **HEALTH**

SHARED-COST PROGRAMMES

—Cont'd

Canada Health and Social Transfer
 See **CANADA HEALTH AND SOCIAL TRANSFER**
 Canada Pension Plan
 See **CANADA PENSION PLAN**
 Conditional grant as contribution, **6:5, 6:7, 6:8**
 Description, **6:7, 6:8, 6:10**
 Education, **6:5, 6:7, 6:10**
 Financial arrangements
 See **FINANCIAL ARRANGEMENTS**
 Health services, **6:5, 6:7, 6:8, 6:10, 17:7, 18:6**
 Legal aid, **50:15**
 Opting out, **6:5, 6:7, 6:8, 6:10**
 Policing
 See **POLICE**
 Quebec Pension Plan
 See **QUEBEC PENSION PLAN**
 Spending power
 See **SPENDING POWER**
 Standing to challenge, **36:12**
 Tax agreements
 See **TAX AGREEMENTS**
 Tax points as contribution, **6:5, 6:10**

SHIPPING

See **NAVIGATION AND SHIPPING**

SILENCE RIGHT TO

See **FUNDAMENTAL JUSTICE**

SIMEON R.E.B.

Federalism, on, **15:11**
 Federal-provincial diplomacy, on, **5:27**

SINGLING OUT

Generally, **10:20, 15:6, 15:20, 23:7, 23:8, 28:2, 28:8, 28:14, 31:23**

SITUS

Aircraft operations, **31:18**
 Bank account, **13:5**
 Company shares, **31:20**
 Debt, **13:5**
 Insurance policy, **31:20**
 Rules described, **31:19**

SLATTERY, B.

Independence, on, **3:9**

INDEX

SMALLWOOD PREMIER J.R.

Generally, **10:9**

SMILEY D.V.

Executive federalism, on, **5:27**

SOCIAL ASSISTANCE

See WELFARE

SOCIAL CREDIT

Banking law, **15:6, 24:4**

Currency law, **24:4**

History, **5:8, 24:4**

Relief of debtors, **21:20**

Trade and commerce law, **20:4**

SOCIAL SECURITY

See HEALTH, PENSIONS, SHARED-COST PROGRAMMES, UNEMPLOYMENT INSURANCE, WELFARE

SOCIAL SERVICES

Residency requirements, **46:3**

SOLEMNIZATION OF MARRIAGE

See MARRIAGE

SOURCES OF LAW

Generally, **1:1 to 1:10**

SOUTH AFRICA

Devolution in, **5:3**

SOUTHERN RHODESIA

Unilateral declaration of independence, **5:26**

SOVEREIGNTY

See LEGISLATIVE POWER, SECESSION

SOVEREIGNTY-ASSOCIATION

See SECESSION

SPECIAL ADVOCATES

Generally, **36:9, 47:32**

SPECIAL STATUS

Generally, **4:2, 4:11, 4:21, 5:1, 5:4**

SPEECH

See EXPRESSION

SPENDING POWER

See also PUBLIC PROPERTY

Appropriation required

See APPROPRIATION

SPENDING POWER—Cont'd

Charlottetown Accord proposal, **4:3, 6:7, 6:8**

Description, **6:8, 28:7 to 28:12, 29:3**

Education, **57:4**

Extraterritorial capacity, **13:8**

Grants

See GRANTS

Health care, **32:2, 32:3**

Income support, **33:1, 33:3, 33:5**

Meech Lake proposal, **4:3, 6:7, 6:8**

Shared-cost programmes

See SHARED-COST PROGRAMMES

Taxation compared, **33:3, 33:5**

United States, **6:8**

SPORTING EVENTS

See THEATRE

STANDING

Attorney General

See ATTORNEY GENERAL

Corporation, **40:14, 47:4, 59:5, 59:6**

Declaration, for, **40:14, 59:2 to 59:6**

Defendant in criminal case, **40:14, 59:6**

Habeas corpus, for, **50:17**

Public interest, **59:5**

Reference

See REFERENCE

Requirement of, **1:10**

Scholars' briefs in U.S., **59:13**

Section 24(1), under, **40:1, 40:14**

Third party, **40:14, 50:17, 59:6**

STARE DECISIS

See PRECEDENT

STATE

See AUSTRALIA, CROWN, UNITED STATES

STATE ACTION

See AMERICAN BILL OF RIGHTS, CHARTER OF RIGHTS

STATUTE

Crown, binding on

See CROWN

Implied repeal

See REPEAL

Inconsistency between

See PARAMOUNTCY, REPEAL

STATUTE—Cont'd

- Inoperative
 - See INOPERATIVE LAW
- Interpretation
 - See STATUTORY INTERPRETATION
- Judicial review
 - See JUDICIAL REVIEW OF LEGISLATION
- Language of, **56:4 to 56:8**
- Legislative history
 - See LEGISLATIVE HISTORY
- Legislative power
 - See LEGISLATIVE POWER
- Prerogative displacement by
 - See PREROGATIVE POWER
- Repeal
 - See REPEAL

STATUTE OF WESTMINSTER

- Australian constitution, exemption, **3:3**
- British North America Act, exemption, **3:3, 3:4, 4:1**
- Constitution of Canada, included in, **1:4**
- Extraterritorial competence, **8:2, 13:2, 13:3**
- History, **3:3, 4:1**
- Imperial statutes power to repeal, **3:3, 8:2**
- Newfoundland application to, **2:12, 3:3**
- New Zealand constitution, exemption, **3:3**
- Repugnancy abolition, **3:3, 3:4**
- Royal style and titles, **3:1, 9:3**
- Succession to throne, **3:1, 9:3**
- United Kingdom, limitation of power, **3:3**

STATUTORY INTERPRETATION

- See also INTERPRETATION OF CONSTITUTION
- Canadian Bill of Rights and, **35:8**
- Charter and, **37:12**
- Civil libertarian values, **34:2**
- Crown and, **10:13 to 10:15, 10:16 to 10:18**
- Extraterritorial effect, presumption against, **13:2**
- International law and
 - See INTERNATIONAL LAW
- Legislative history
 - See LEGISLATIVE HISTORY
- Manner and form contrasted, **12:10**
- Paramountcy and, **16:3**

STATUTORY INTERPRETATION

—Cont'd

- Presumption of constitutionality, **15:5 to 15:13**
- Privative clauses, avoidance by, **7:20, 34:2**
- Reading down
 - See READING DOWN
- Retroactive effect, presumption against, **51:26**
- Statutory lien, **25:12**
- Strict construction, **34:2**

STAY OF PROCEEDINGS

- See REMEDY

STERILIZATION

- See also INTERJURISDICTIONAL IMMUNITY
- Generally, **15:18**

STRICT LIABILITY

- See FUNDAMENTAL JUSTICE

SUBORDINATE LEGISLATION

- See DELEGATED LEGISLATION

SUBSIDIARITY

- Generally, **5:7, 16:2**

SUBSIDIES

- See GRANTS

SUCCESSION

- See PROPERTY

SUCCESSION TO THRONE

- Generally, **3:1**

SUICIDE

- Generally, **32:2, 47:12, 47:15, 53:2, 55:45**

SUNDAY OBSERVANCE

- Freedom of religion, and, **40:8, 42:4, 42:5**
- Inter-delegation, **14:17**
- Power over, **14:17, 15:8, 18:11, 18:12, 21:8, 34:7, 42:1**

SUPPLY

- See APPROPRIATION

SUPREMACY OF CONSTITUTION

- See CONSTITUTION OF CANADA

SUPREME COURT OF CANADA

- Abolition of appeal to, **8:5**

INDEX

SUPREME COURT OF CANADA

—Cont'd

Advisory opinions, **8:8 to 8:12**
Amendments affecting
 See AMENDMENT OF CONSTITUTION
Appeals to Privy Council, **1:2, 5:15, 8:1, 8:2**
Appointment of judges, **1:12, 4:3, 8:1, 8:3, 8:4, 8:14**
Bias, **8:3, 8:4**
Chief Justice
 See CHIEF JUSTICE OF CANADA
Civil law, authority over, **8:5, 8:14**
Composition, **1:12, 4:6, 4:16, 5:6, 5:15, 8:1, 8:3, 8:14**
Constitutional status, **1:4, 4:6, 4:14, 4:16, 8:1, 8:14**
Decision-making process, **8:3**
Establishment, **1:2, 7:10, 8:1**
Judicial review, power of, **5:20 to 5:22**
Jurisdiction, **5:15, 5:22, 7:1, 8:5 to 8:7**
Leave to appeal, **8:5 to 8:7, 58:4**
Opinion-writing practices, **8:5**
Original jurisdiction, **8:10**
Precedent in
 See PRECEDENT
Provincial court, acting as, **13:9, 13:11, 13:14**
Provincial laws recognition, **8:5, 13:9**
References to
 See REFERENCE
Reform, **4:23, 5:15, 5:22, 8:14**
Specialization within, **5:22, 8:14**
Split decisions, **8:3**
Statutory basis, **1:2, 1:4, 1:6, 5:15, 8:1, 8:14**
Uniformity of law, **5:15, 8:5**

SUPREME COURT OF UNITED KINGDOM

Establishment in 2005, **8:13**
Precedent in, **8:13**

SUSPENDING POWER

Generally, **1:9, 31:6, 31:7**

SWITZERLAND

Constitutional amendment, **4:23**
Federalism in, **5:9**

TAKING

See EXPROPRIATION

TAX AGREEMENTS

See also FINANCIAL ARRANGEMENTS, SHARED COST PROGRAMMES
Generally, **6:2 to 6:4**

TAXATION

Aircraft, **13:4, 15:18, 22:15, 31:18**
Audit powers, **47:31, 48:21 to 48:35**
Australia in
 See AUSTRALIA
Banks, of
 See BANKING
Business, **31:10**
Carbon tax, **31:14**
Civil penalty, **51:3**
Commercial charges distinguished, **31:15**
Concurrent powers over, **31:1**
Customs
 See CUSTOMS DUTY
Death taxes, **6:2, 6:3, 14:5, 31:11(e), 31:13, 31:16, 31:18**
Definition of tax, **31:15, 31:16**
Delegation of power, **14:5, 31:1**
Direct tax
 Australia, **31:6, 31:12**
 definition, **31:6, 31:7**
 history, **6:2**
 power to levy, **5:9, 6:2 31:1**
 United States, **31:6**
Documents seizure, **47:31, 48:18 to 48:20, 48:21 to 48:35**
Double, **16:9, 31:1 to 31:5**
Employment insurance premiums, **14:5, 31:16, 33:2**
Estate tax
 See death taxes
Excise
 See EXCISE TAX
Export tax, **31:8, 31:14, 31:26**
Expropriation distinguished, **31:25**
Extraterritorial, **13:6, 31:8, 31:13, 31:17 to 31:20**
Federal-provincial sharing
 See TAX AGREEMENTS
Freedom of interprovincial trade, **31:4**
Goods and services tax, **31:12**
History, **6:1 to 6:5**

TAXATION—Cont'd

- Income tax
 - direct character, **31:9**
 - extraterritorial income, **31:18**
 - history, **6:2 to 6:5**
 - ministers, officials, judges, on, **31:22**
 - power to levy, **31:9**
- Indirect tax
 - abortive amendment, **14:10**
 - definition, **31:6, 31:7**
 - history, **6:1, 6:2**
 - power to levy, **5:9, 31:3**
- Inheritance tax
 - See death taxes
- Insurance
 - See INSURANCE
- Interjurisdictional immunity
 - See INTERJURISDICTIONAL IMMUNITY
- Legislative authority required, **58:7**
- Licence fees
 - See LICENSING
- Marketing levies distinguished, **31:16**
- Natural resources
 - See NATURAL RESOURCES
- Persons within province, **31:18**
- Pollution discouragement, **30:32**
- Powers over, **31:1 to 31:28**
- Probate fees, **14:5**
 - See also death taxes
- Property, **31:11, 31:14, 31:19**
- Public property
 - See PUBLIC PROPERTY
- Regulatory charge distinguished, **31:11, 31:16, 31:25, 57:12**
- Royalties
 - See NATURAL RESOURCES
- Sales tax, **14:10, 15:10, 31:6, 31:12**
- Situs of property
 - See SITUS
- Spending power
 - See SPENDING POWER
- Succession duty
 - See death taxes
- Tariffs, **8:13, 20:3**
- Transactions, **31:20**
- Unconstitutional, recovery of, **31:24 to 31:27, 40:25, 58:6, 58:8, 59:19**
- United States, in
 - See UNITED STATES

TAXATION—Cont'd

- Value-added tax, **31:12**

TAX COURT OF CANADA

- Generally, **7:12, 7:14**

TAX EXPENDITURES

- Generally, **6:8**

TELEPHONE

- Connecting systems, **22:22**
- Federal power over, **15:18, 15:27, 22:5, 22:22**
- Mobile network, **15:18, 22:22**
- Provincial power over, **15:18, 22:22**
- Search
 - See SEARCH OR SEIZURE
- Wiretap
 - See SEARCH OR SEIZURE

TELEVISION

- Cable television, **22:18, 22:20**
- Closed-circuit, **22:20**
- Content regulation, **22:18, 22:20, 43:4**
- Local broadcasting, **22:20**
- Local programmes, **22:20**
- Pay television, **22:21**
- Power over, **22:15, 22:16, 22:18, 22:19 to 22:21**
- Provincial regulation, **15:18, 22:18, 22:20**
- Radio similarity to, **22:16, 22:19**

TEMPERANCE

- Concurrent powers, **15:7**
- Local option, **14:17**
- National binge theory, **17:7**
- Paramountcy, **16:5**
- Power over, **17:3, 17:6, 17:12**

TERMS OF UNION

- See PROVINCES

TERRITORIAL LIMIT

- See EXTRATERRITORIAL COMPETENCE

TERRITORIAL SEA

- Generally, **13:4**

TERRITORIES

- Admission to Canada, **1:5, 2:8 to 2:12**
- Courts, **7:13**
- Devolution of power to, **5:4, 14:4**
- Natural resources
 - See NATURAL RESOURCES

INDEX

TERRITORIES—Cont'd

- Northwest Territories
 - See NORTHWEST TERRITORIES
- Nunavut
 - See NUNAVUT
- Policing, **19:9**
- Power over, **2:9, 14:4, 14:7, 17:1, 30:6**
- Prairie provinces, creation, **2:9**
- Rupert's Land
 - See RUPERT'S LAND
- Yukon Territory
 - See YUKON TERRITORY

TESTIMONY

- See EVIDENCE

THEATRE

- Generally, **22:24**

TOBACCO

- See FOOD AND DRUGS

TORT

- Constitutional torts, **37:13, 40:19**
- Crown liability
 - See CROWN
- Crown servant's liability
 - See CROWN
- Defamation
 - See EXPRESSION
- Extraterritorial tort, **13:10, 13:14**
- Federal power over, **15:24, 18.9(a), 20:4**
- Maritime law, **16:3, 22:12, 33:4**
- Provincial power over, **5:7, 21:2**
- Unconstitutional act as, **40:19, 58:4**
- Workers' compensation
 - See WORKERS' COMPENSATION

TORTURE

- Action for damages for, **35:7, 37:14, 47:15**
- Convention against Torture, **36:20**
- Cruel and unusual, **53:3**
- Deportation to face, **11:6, 36:27, 37:14, 47:15**

TRADE AND COMMERCE

- Australian commerce clause contrasted, **20:1**
- Capital, mobility
 - See MOBILITY
- Companies, incorporation, **23:1**

TRADE AND COMMERCE—Cont'd

- Competition law
 - See COMPETITION
- Customs duty, **20:2, 31:6, 31:25, 46:8**
- Description, **20:1 to 20:5**
- Export of goods, **13:5, 30:7**
- Federal power over, **5:9, 5:11**
- Foreign ownership, **46:5**
- Freedom of interprovincial trade, **13:6, 31:4, 46:7 to 46:10**
- General, **20:1, 20:4**
- Importation of goods, **13:6, 20:3, 30:7**
- Insurance
 - See INSURANCE
- Interprovincial or international, **20:2**
- Intraprovincial
 - See PROPERTY AND CIVIL RIGHTS
- Labour relations
 - See LABOUR RELATIONS
- Local
 - See PROPERTY AND CIVIL RIGHTS
- Margarine
 - See MARGARINE
- Marketing
 - See MARKETING
- Property and civil rights, relation to, **15:23, 20:1, 21:3**
- Trade mark, **20:4**
- United States commerce clause
 - contrasted, **5:9, 20:1**
- United States free trade agreement, **11:12**
- Wage and price controls, **20:4**

TRADEMARKS

- Generally, **15:24, 18:8, 18:16, 20:4**

TRADE PRACTICES

- See COMPETITION

TRADES

- Generally, **21:9**

TRADE UNION

- See LABOUR RELATIONS

TRAFFIC

- See ROADS

TRANSFER PAYMENTS

- See GRANTS

TRANSPORTATION AND COMMUNICATION

- See also MOBILITY

**TRANSPORTATION AND
COMMUNICATION—Cont'd**

Aeronautics
See AERONAUTICS
Bus line
See ROADS
Delegation of powers, **14:13, 46:9, 46:14**
Education
See EDUCATION
Electricity transmission
See ELECTRICITY
Films
See FILMS
Freight forwarding
See FREIGHT FORWARDING
Interjurisdictional immunity
See INTERJURISDICTIONAL
IMMUNITY
Interprovincial works and undertakings,
22:2
Labour relations, **21:11**
Literature
See LITERATURE
Mixed local and long-distance business,
22:5
Pipeline
See PIPELINE
Postal service
See POSTAL SERVICE
Power over, **22:1 to 22:25**
Press
See EXPRESSION
Radio
See RADIO
Railway
See RAILWAY
Shipping
See NAVIGATION AND SHIPPING
Telephone
See TELEPHONE
Television
See TELEVISION
Theatre
See THEATRE
Trucking
See ROADS
Undertaking defined, **22:2, 22:10, 22:16**
United States, **22:1**
Work defined, **22:1**

**TRANSPORTATION AND
COMMUNICATION—Cont'd**

Works for general advantage of Canada
See DECLARATORY POWER

TRAVEL

See MOBILITY

TREATMENT

See CRUEL AND UNUSUAL PUNISH-
MENT

TREATY

Aeronautics
See AERONAUTICS
Australia
See AUSTRALIA
Definition, **11:1**
Dispute resolution, **7:19, 11:6**
Federal state clause, **11:12**
Human rights treaties, **36:20**
Implementation, **11:6 to 11:9, 15:27,**
17:2, 17:3, 17:7, 22:13 to 22:15,
22:16, 36:20
Indians with
See NATIVE RIGHTS
Internal law, effect on, **11:6, 28:7**
North American Free Trade Agreement,
7:19, 11:6
Power to make, **1:9, 3:1, 11:2, 11:13**
Power to withdraw, **11:5**
Procedure for making, **11:3 to 11:5**
Radio
See RADIO
Ratification, **11:5**
United States
See UNITED STATES
Withdrawal from, **11:5**

TREATY OF PARIS, 1763

Generally, **2:1, 2:6, 2:11**

TREATY OF VERSAILLES, 1919

Generally, **3:1**

TRENCHING

Generally, **15:5, 17:1**

TRIAL

See also FAIR HEARING
Appeal
See COURTS
Dangerous offender application, **51:2**

INDEX

TRIAL—Cont'd

- Evidence
 - See EVIDENCE
- Fairness requirement, **41:8, 47:32 to 47:37, 50:15, 52:7**
- Independence of jury, **7:7, 51:16, 51:23, 55:24**
- Joint trial of provincial and criminal offences, **7:1**
- Jurors selection of, **40:4, 51:23, 55:24**
- Jury by, **7:7, 19:4, 37:2, 51:16, 51:19 to 51:25**
- Presence of defendant, **37:15**
- Public, **37:16, 37:17, 43:33, 51:13**
- Reasonable time, within, **36:30, 40:4, 51:5, 52:1 to 52:17**
- Testimony behind veil, **42:6, 46.8(f)**
- Waiver of delay, **37:16, 37:21, 52:9**
- Waiver of jury, **37:15, 37:22, 51:22**

TRUCKING

- See ROADS

TRUDEAU, PRIME MINISTER P.E.

- Role in 1982 amendments, **1:11, 4:2, 4:3, 36:1**
- Spending power, on, **6:8**

TRUST COMPANY

- Banking by, **24:3**
- Incorporation, **23:4, 23:6, 24:3, 24:7**
- Labour relations, **24:3**
- Regulation, **23:4, 23:6, 24:3, 24:5**

ULTRA VIRES

- See also JUDICIAL REVIEW OF LEGISLATION UNCONSTITUTIONAL LAW
- Judicial review, basis of, **5:20, 5:21**

UNCONSTITUTIONAL LAW

- Acts done under, **58:3**
- Damages for, **40:17, 58:4**
- Effect of, **1:10, 15:16, 40:1 to 40:10, 40:19, 40:25, 58:1 to 58:8, 59:18, 59:19**
- Exclusion of judicial review
 - See PRIVATIVE CLAUSE
- Judicial review
 - See JUDICIAL REVIEW OF LEGISLATION
- Nullification, **40:1 to 40:10**

UNCONSTITUTIONAL LAW—Cont'd

- Reading down
 - See READING DOWN
- Reading in
 - See READING IN
- Severance
 - See SEVERANCE
- Temporary validity, **36:10, 40:2, 40:4, 40:6, 40:9, 58:1, 58:8**

UNDERTAKING

- See TRANSPORTATION AND COMMUNICATION

UNEMPLOYMENT INSURANCE

- Age-65 bar, **40:5, 55:44**
- Delegation of power over, **14:10**
- History of power, **33:2**
- Job-creation measures, **33:2**
- Maternity benefits, **15:27**
- Power over, **4:20, 14:10, 17:1, 17:7, 21:6, 21:10, 33:1, 33:2**
- Premiums as taxes, **14:5, 31:16, 33:2**

UNIFORMITY OF LAW

- Common law, **2:2 to 2:4**
- Federal law, **2:7, 2:9, 14:16, 17:4, 55:49**

UNION

- See CONFEDERATION, UNITED STATES

UNION ACT, 1840

- Generally, **1:4, 2:6**

UNITARY STATE

- Generally, **5:1, 5:3, 5:20, 11:7, 12:1**

UNITED KINGDOM

- Breaks in legal continuity, **5:26**
- Civil liberties, **34:2**
- Constitution, **1:2, 5:3, 5:19, 5:20**
- Crown in right of liability of
 - See CROWN
- Definition, **2:2, 2:13**
- Delegation, **14:2**
- Dismissal of Prime Minister, **9:18**
- EU, exit from, **11:5**
- European Convention on Human Rights, **5:20, 12:1**
- Judicial review, **5:20, 12:1**
- Parliamentary sovereignty
 - See UNITED KINGDOM PARLIAMENT

UNITED KINGDOM—Cont'd

Privy Council, **8:2, 9:5**
 Responsible government, **9:2**
 Treaty-implementation, **11:7**
 Unitary state, **3:3, 5:1 to 5:7, 5:19, 5:20**

UNITED KINGDOM PARLIAMENT

See also IMPERIAL PARLIAMENT
 Delegation by, **5:1, 5:3, 5:20, 12:1, 14:2**
 Extraterritorial competence, **13:1, 13:2**
 Manner and form rules, **12:10**
 Sovereignty, **12:1**

UNITED NATIONS

Generally, **3:1**

UNITED PROVINCE OF CANADA

Generally, **2:6, 2:7, 5:3, 9:2**

UNITED STATES

Amendment of constitution, **4:5**
 Ancillary power, **15:24**
 Anti-trust, **18:10**
 Articles of confederation, **5:2, 5:26**
 Banking, **5:9**
 Bill of rights
 See AMERICAN BILL OF RIGHTS
 Brandeis brief, **8:12, 60:9**
 Commerce clause, **5:9, 20:1, 21:6, 21:10, 22:1**
 Common law, **2:2, 8:5**
 Compensation for property taken, **29:8**
 Competition law, **18:10**
 Concurrent powers, **15:25**
 Congress
 enforcement of civil rights, **5:16, 5:20**
 regional accommodation, **5:27**
 Constitution, **1:2, 3:7, 5:3, 5:26**
 Convention in, **1:10**
 Cooperative federalism, **6:10**
 Criminal law, **5:9, 18:1, 19:15**
 Delegation, **14:5, 14:9**
 Double jeopardy, **16:8**
 Electoral college, **1:10**
 Enumerated powers, **15:4, 15:23, 15:24, 20:1**
 Equal protection
 See AMERICAN BILL OF RIGHTS
 Equal rights amendment, **55:43**
 Ex post facto laws, **36:5, 51:26, 51:31**
 Extraterritorial competence, **13:3, 13:10, 13:11, 13:14**

UNITED STATES—Cont'd

Federal court jurisdiction, **7:11, 8:5, 8:10**
 Federalism
 See FEDERALISM
 Financial arrangements, **6:10**
 Free trade with Canada, **11:12**
 Full faith and credit, **13:9, 13:11, 27:1**
 Inconsistent laws, **15:25, 16:1, 16:5**
 Insurance, **21:6**
 Interjurisdictional immunity, **31:24, 31:27**
 Judges appointment, **7:2, 8:14**
 Judicial review, **5:20, 5:21**
 Labour relations, **21:10**
 Marketing, **21:12 to 21:14**
 Marriage and divorce, **5:9, 27:1**
 Motion to suppress evidence, **40:17**
 National securities regulator, **20:4**
 Obscenity, **43:29**
 Offshore jurisdiction, **30:11, 30:14**
 Overbreadth, **47:24**
 Paramountcy, **15:25, 16:1, 16:5**
 Parliamentary sovereignty in, **12:9**
 Penitentiaries, **5:9**
 Police power, **21:1**
 President, **9:1, 9:6, 9:12, 14:8**
 Religion, freedom of, **42:2, 42:4**
 Residuary power, **5:9, 15:24, 15:25**
 Responsible government not adopted, **9:2, 9:23**
 Retroactive laws, **36:5, 51:26, 51:31**
 Same-sex marriage, **55:48, 60:5**
 Secession of states
 See SECESSION
 Securities regulation, **21:15, 21:16**
 Senate, **9:10**
 Separation of powers, **7:15, 8:10, 9:12**
 Severance clause, **15:14**
 Spending power, **6:8**
 Supremacy clause, **16:1**
 Supreme Court of United States
 advisory opinions, **7:15, 8:10**
 appointment of judges, **8:14**
 evidence in, **60:9**
 jurisdiction, **8:5, 8:6**
 opinion-writing practice, **8:4**
 precedent in, **2:2**
 scholars' briefs, **59:13**
 Taxation, **31:6, 31:27, 33:13(d)**
 Territorial competence of states, **13:3, 13:10, 13:11, 13:14**

INDEX

UNITED STATES—Cont'd

Transportation and communication, **22:1**
Treaty power, **11:5, 11:6, 11:8, 11:12**

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Generally, **35:1**

UNIVERSITIES

See also EDUCATION
Charter application to, **37:10**
Grants to, **6:5**
Mandatory retirement in, **55:44**
Regulation of, **57:1**

UNWRITTEN RULES

See CONSTITUTION, CONVENTION,
RESPONSIBLE GOVERNMENT,
USAGE

UPPER CANADA

See also CANADA WEST, ONTARIO,
UNITED PROVINCE OF CAN-
ADA
Generally, **2:6, 2:7, 5:4, 9:2**

UPPER HOUSE

See LEGISLATIVE COUNCIL, SENATE

URANIUM

See NATURAL RESOURCES

USAGE

Generally, **1:12**

UTILITARIANISM

Generally, **38:2**

VAGUE LAW

Federalism, **12:2, 14:7, 15:26**
Section 1, **38:9, 43:29**
Section 7, **47:20, 47:27 to 47:29**

VALIDITY OF LAW

See JUDICIAL REVIEW OF LEGISLA-
TION

VETO

See DISALLOWANCE, RESERVATION
OF BILLS, ROYAL ASSENT

VICTORIA CHARTER

Generally, **4:2, 4:15, 5:6**

VITAL PART OF UNDERTAKING

Generally, **15:18**

VOTE

See ELECTIONS

WAGE AND PRICE CONTROL

See PEACE, ORDER, AND GOOD
GOVERNMENT

WAIVER

Contract by, **37:24**
Delay in trial, of, **37:16, 37:21, 52:9**
Expression, **37:24**
Forfeiture distinguished, **37:15, 37:17,**
37:22
Mandatory retirement, **37:24**
Paramountcy of, **14:17, 16:6**
Presumption of innocence, of, **37:16,**
37:17, 51:17
Religious practice, **37:24, 42:7**
Rights generally, of, **37:15 to 37:24**
Right to counsel, of, **37:15, 37:20, 50:13**
Right to interpreter, **37:23, 56:13**
Right to jury trial, of, **37:15, 37:16,**
37:22, 51:22
Right to silence, **37:18**
Third-party consent, **37:19, 48:5 to 48:12**
Unreasonable search and seizure, **37:19,**
48:5 to 48:12

WALES

Generally, **2:13, 5:1, 5:3, 5:20, 12:1, 14:2**

WAR

See also EMERGENCY, PEACE,
ORDER, AND GOOD GOVERN-
MENT
Crimes, **47:19, 51:26, 53:7**
Declaration of, **1:9, 3:1**
Extension of legislative bodies, **45:7**
War Measures Act
See WAR MEASURES ACT

WAR MEASURES ACT

Canadian Bill of Rights, exemption from,
35:3
Charter of Rights, no exemption from,
38:32
Conditional on proclamation, **14:15**
Delegation in, **14:4**
Deportation under, **17:8**
F.L.Q. crisis, **17:9**
Labour relations under, **21:10, 21:11**
Price control under, **17:8**
Rent control under, **17:8**

WAR MEASURES ACT—Cont'd

Validity, **17:8**

WARREN, CHIEF JUSTICE EARL

Influence, **36:5**

WATER

Boundaries of provinces

See BOUNDARIES OF PROVINCES

Canada Water Act, **30:32**

Continental shelf

See CONTINENTAL SHELF

Fisheries

See FISHERIES

Hydro-electricity

See ELECTRICITY

Natural resources

See NATURAL RESOURCES

Navigation and shipping

See NAVIGATION AND SHIPPING

Pollution

See ENVIRONMENT

Rivers

See RIVERS

Territorial sea

See TERRITORIAL SEA

WATERTIGHT COMPARTMENTS

Generally, **6:8, 11:11, 15:27**

WATSON, LORD

Generally, **5:11, 5:21**

WEGENAST F.W.

Incorporation power, on, **23:3**

WEILER PAUL C.

Power of override, on, **39:8**

Surreptitious bill of rights, on, **15:2**

WEINRIB L.E.

Charter compliance cost of, on, **38:16**

WELFARE

Canada Assistance Plan, **6:7, 6:8, 33:5**

Powers over, **33:5**

Workfare, **33:5, 47:12, 55:32**

WESTERN AUSTRALIA

Secession attempt, **5:25**

WESTERN PROVINCES

Alberta

See ALBERTA

WESTERN PROVINCES—Cont'd

British Columbia

See BRITISH COLUMBIA

Manitoba

See MANITOBA

Regional grievances, **4:20**

Saskatchewan

See SASKATCHEWAN

WHEARE, K.C.

Federalism on, **5:1, 5:9**

WHITLAM PRIME MINISTER G.

Denials of supply to, **9:10, 9:18**

Dismissal, **9:10, 9:18**

WHYTE, J.D.

Security of the person, on, **47:12**

WIRETAP

See SEARCH OR SEIZURE

WITNESS

See EVIDENCE

WORK, RIGHT TO

See LABOUR RELATIONS

WORKERS' COMPENSATION

Chronic pain, **33:4, 55:45**

Federal delegation to provinces, **14:12 to 14:14, 33:4**

Jurisdiction over, **33:4**

Maritime law and, **16:4, 22:12, 33:4**

Railway and, **15:20, 33:4**

WORKS

See also TRANSPORTATION AND COMMUNICATION

Defined, **22:2, 22:10**

For the general advantage of Canada

See DECLARATORY POWER

Local

See LOCAL WORKS

WRIT OF ASSISTANCE

See SEARCH OR SEIZURE

YOUNG OFFENDERS

Generally, **7:16, 7:19, 15:24, 16:4, 18:15, 19:4, 19:13, 27:2, 47:15**

YUKON TERRITORY

Courts, **7:13**

Creation, **2:9**

Devolution, **5:3, 14:4**

INDEX

YUKON TERRITORY—Cont'd

Federal power over
See TERRITORIES

ZIEGEL, J.S.

Incorporation power, on, **23:3**

ZIMBABWE

Generally, **5:26**

ZONING

See PROPERTY