

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**

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, 55:31**

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

Participation at constitutional conferences, **28:28, 28:42, 28:43**

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, **55:31**

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**

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, **28:38, 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, 55:31**

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, **28:40**

Self-government, **4:20, 28:20, 28:43**

Self-help remedies, **28:40**

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,
ABORIGINAL RIGHTS

ABORTION

Mootness, **59:8**

Standing, **59:5**

United States, in

See AMERICAN BILL OF RIGHTS

Validity of regulation, **15:11, 18:8, 18:19, 32:2, 32:6, 37:13, 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, **41:3 to 41:14**

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, 18:19, 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, **18:19**

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, 47:17**

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

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, 34:4, 36:7, 45:1**

ALIEN

- See CITIZEN, EQUALITY, NATURALIZATION AND ALIENS

ALIMONY

- Generally, **27:8**

AMENDMENT OF CONSTITUTION

- Aboriginal participation
 - See ABORIGINAL PEOPLES OF CANADA
- Aboriginal rights, affecting, **28:42**
- 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**

AMENDMENT OF CONSTITUTION

—Cont'd

- Ministers, role of, **4:15**
- New provinces, establishment, **1:6, 4:14**
- Opting out, **1:11, 4:2, 4:11 to 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, 4:7, 4:19**
- Quebec role of, **1:11, 1:12, 4:3 to 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, 55:31**
- 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, **55:43**
- 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, 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, 13:10, 16:8, 36:5, 37:6, 46:3, 47:2, 47:10, 47:14, 51:13, 55:3**
- Fourth amendment, **48:3, 48:5, 48:7, 48:16, 48:17, 49:1**
- Information of charge, **51:4**
- Innocence presumption of, **51:13**
- Interpretation, **36:4 to 36:7**
- Japanese Americans case, **38:33**
- Jury, **51:13, 51:19, 51:22, 51:23**
- Limitation clause, lacks, **36:27, 38:1, 55:3**
- Nineteenth amendment, **45:2**
- Ninth amendment, **36:32**
- Non-compellability of accused, **51:6**
- Override power, lacks, **36:7**
- Police caution, **50:6**
- Pornography, **43:29**
- Privacy, **48:3, 48:5, 48:7, 48:16, 48:17**
- 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**

AMERICAN BILL OF RIGHTS—Cont'd

- Search or seizure, **48:3, 48:5, 48:7, 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, **36:28**

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, 10:13, 10:21, 55:15**

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, **17:8, 18:17**
- 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**
- Detention
 - See **DETENTION**
- Dwelling house in, **48:21, 48:22**
- Hot pursuit, following, **48:21, 49:3 to 49:8**
- Police powers, **49:3 to 49:11, 50:2**
- 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, **48:21**

ASSEMBLY

- Charter protection, **18:20, 44:2, 48:3**
- Legislative power over, **18:20, 21:4, 43:3, 44:1**

ASSISTED HUMAN REPRODUCTION

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

ASSOCIATION

Charter protection, **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**

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, 15:11, 15:18, 15:20, 16:7, 24:3 to 24:5, 29:4**
- Taxation of banks, **15:5, 15:9, 15:11, 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, 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, **36:18**
- Utilitarianism on, **38:2**

BIAS

- Generally, **7:5, 8:3, 8:4, 47:13, 51:16**

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, **48:10, 48:13, 48:15**
- Transfusion, **42:6, 47:11, 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**
- 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**

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, 38:32**

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, **36:32, 38:8**

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**

fetus, **37:2, 37:3, 47:6, 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, 36:26**

impact on, **34:4, 35:1, 35:7, 36:1**

Charter values, **37:12**

Commencement, **36:31, 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, **38:33**

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

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**
- Exceptions, **36:25**
- Extraterritorial effect, **13:1, 36:28, 37:2, 37:6 to 37:14**
- Federalism review compared, **36:4 to 36:7, 36:13, 36:26**
- 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 36:29**
- Interpretation Acts, application to, **36:20**
- 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, 36:22, 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, 36:22**
- Preamble, **42:10**
- Precedent, **36:26**

CHARTER OF RIGHTS—Cont'd

- Pre-Charter jurisprudence, relevance, **36:26**
- 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, 36:31, 40:1 to 40:31**
 - immunity clause, effect of, **40:19**
- Retroactive effect, **36:31**
- Scope of rights, **36:19**
- Severance
 - See SEVERANCE
- State action
 - See application to
- Supremacy of
 - See CONSTITUTION
- Trivial effects, **36:15**
- Undeclared rights, **36:32**
- 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, 55:19, 55:44**
- Custody
 - See CUSTODY AND MAINTENANCE
- Parental rights, **42:6, 47:12**
- Pornography, **38:22, 43:7, 43:29**

CHILD—Cont'd

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

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, **55:37, 55:46**

Passport right to

See **MOBILITY**

Sex as a qualification, **36:31, 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, **18:17**

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**

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, 36:26**
- Distribution of powers review, for, **15:4, 15:5 to 15:13**

CLIMATE CHANGE

- See GREENHOUSE GASES

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, **18:17**

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

COMMON LAW—Cont'd

- Crown
 - See CROWN
- Definition, **7:11**
- 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**

COMPANY—Cont'd

- Equality rights lacks, **55:5**
- Expropriation of assets
 - See EXPROPRIATION
- 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, 18:18**

COMPETITION

- Civil remedy, **18:11, 18:18**
- Conspiracy to lessen, **47:18, 47:27, 47:28**
- History of regulation, **18:11**
- Power to regulate, **17:7, 18:2, 18:11, 18:18, 20:2, 20:4, 46:13**
- Preventive aspect, **18:13**
- Prosecution of offences, **19:14, 19:15**
- Provincial law inconsistency, **16:4**

COMPETITION—Cont'd

- Tribunal, **18:11**
- United States, **18:11**

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, **18:20**
- 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 to 2:12, 5:2, 5:3**
- Laws
 - See PRE-CONFEDERATION LAWS

CONFEDERATION—Cont'd

Public property, **29:1**

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, 36:32, 38:28, 56:14**

CONSTITUTION—Cont'd

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, **5:20, 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, **47:27**

CONTINENTAL SHELF

Generally, **13:4, 30:11 to 30:13**

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**

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, **18:17, 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, 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, **50:3.40**
- Search, at time of, **50:3.40, 50:3.60, 50:3.80, 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**

COURTS—Cont'd

- Establishment, **7:1 to 7:14**
- 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 56:15**
- 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

COURTS—Cont'd

- Privative clause
 - See PRIVATIVE CLAUSE
- 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 7:20, 11:6**
- Supervision of remedial orders, **36:10, 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, 19:4, 52:17**

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, 18:19**
- Absolute liability
 - See FUNDAMENTAL JUSTICE
- Administrative monetary penalty, **51:3, 59:12**
- Assembly, **18:20, 44:1**
- Assisted human reproduction
 - See ASSISTED HUMAN REPRODUCTION
- Australia
 - See AUSTRALIA

CRIMINAL LAW—Cont'd

Automatism as defence
 See FUNDAMENTAL JUSTICE

Censorship
 See EXPRESSION

Civil remedy, **18:10, 18:17, 18:18**

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, 18:19, 30:32**

Expression
 See EXPRESSION

Federal power over, **5:9, 18:1**

Food
 See FOOD AND DRUGS

Forfeiture of goods, **18:18, 18:19, 51:3**

Gambling, **18:18, 18:20, 21:17**

Genetic discrimination, **18:10**

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, **18:19**

Intoxication as defence
 See FUNDAMENTAL JUSTICE

Jurisdiction vesting of, **19:4**

CRIMINAL LAW—Cont'd

Juvenile delinquency
 See YOUNG OFFENDERS

Legal product, advertising of, **18:5, 43:23**

Magistrate's jurisdiction, **19:3 to 19:5**

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, **18:20**

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, 18:20, 19:14**

Prostitution, **18:20**

Provincial penal laws, **16:5, 16:8, 18:1, 18:17, 18:20, 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, 18:20**
 imprisonment, **18:19**
 industrial school, custody in, **51:20**
 judicial discretion, **53:4**

CRIMINAL LAW—Cont'd

- Punishment—Cont'd
 - 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**
 - 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**

CRIMINAL PROCEDURE—Cont'd

- 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**
 - 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**

CROWN—Cont'd

- 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**
- 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 31:27**
- 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**
- Corporations, application to, **53:1.70**
- 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, 53:8**
- 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**

CULTURE—Cont'd

- Language
 - See **LANGUAGE**
- Literature
 - See **LITERATURE**
- Radio
 - See **RADIO**
- 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, 18:17, 27:6, 27:7**
- Provincial power, **18:17, 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, **48:11, 48:28**
- 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**

DAMAGES—Cont'd

Unconstitutional law, for
See UNCONSTITUTIONAL LAW

DANGEROUS OFFENDER

Generally, 49:3 to 49:8, 51:2, 51:31, 53:5

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, 18:17

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,
30:8

DE FACTO OFFICER

Generally, 58:6

DEFAMATION

See EXPRESSION

DEFEAT OF GOVERNMENT

Australia, in, 9:10, 9:18

DEFEAT OF GOVERNMENT—Cont'd

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
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 REFEREN-
DUM
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

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, 50:3 to 50:3.80**
Insanity, on account of
 See INSANITY
Investigative, **48:25, 49:3 to 49:8, 50:3.80**
Police powers, **49:3 to 49:11, 50:2, 50:3 to 50:3.40**
Psychological, **49:3 to 49:9, 50:3, 50:3.40, 50:3.60**
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, **58:4**
Sovereignty, on, **12:1**

DICKSON, CHIEF JUSTICE R.G.B.

Appointment, **1:12**
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**

DISTRIBUTION OF POWERS—Cont'd

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**
 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**

EDUCATION—Cont'd

- Legislative powers over, **42:1, 55:27, 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 to 57:13**
- 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, **43:20.50, 43:39, 58:2**
- Search of students, **41:11, 48:8, 48:27, 57:18**
- Separate schools, **57:1 to 57:13**
- Students with disabilities, **55:27, 55:30.80, 55:45, 57:17**

EFFECT OF LAW

- Charter of Rights relevance to, **36:13 to 36:17, 36:26**
- 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, 43:39, 45:6**
- Contested, **45:5**
- Electoral expression
 - See EXPRESSION
- Expenditures, **15:20, 36:9, 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, **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**

ELECTIONS—Cont'd

- Residence requirement, **43:39, 45:2, 46:4, 55:49**
- Voting, **38:6, 45:1 to 45:5**

ELECTRICITY

- Consumption as evidence of crime, **48:6**
- Export, **30:28**
- Nuclear, **17:4, 22:10, 30:10, 30:29, 30:30**
- Power over, **30:28**
- Taxation, **31:14**
- 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, 38:33, 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

United States

See UNITED STATES

ENVIRONMENT

Environment as matter, 17:3, 17:5 to
17:5.70, 18:7, 30:31

Fisheries protection of

See FISHERIES

Greenhouse gases as matter, 17:3, 17:5 to
17:5.70

Pollution as matter, 17:3, 17:5 to 17:5.70,
30:31

Pollution of river, 13:6

Power over, 17:3, 17:5 to 17:5.70, 18:2,
18:7, 18:18, 30:20, 30:31 to 30:33

EQUALITY

Affirmative action, 43:4, 55:3, 55:31

Age, 33:2, 33:5, 37:24, 40:5, 40:26,
40:27, 55:1 to 55:3, 55:7, 55:19,
55:24, 55:25, 55:28, 55:44

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

American Bill of Rights, under

See AMERICAN BILL OF RIGHTS

Analogous grounds, 55:25, 55:26

Canadian Bill of Rights, under

See CANADIAN BILL OF RIGHTS

Child's rights

See CHILD

Citizenship, 36:31, 46:4, 47:13, 55:26,
55:37, 55:41, 55:46

Comparator group, selection of, 55:24

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

Corporations and, 37:2, 55:5

Deafness, 32:4, 55:30.40, 55:45

Delayed application of s.15, 55:4

Description of law, 55:1 to 55:50

Disability, 55:24, 55:30.40, 55:30.80,
55:45, 57:17

EQUALITY—Cont'd

Disadvantage, 55:21, 55:28 to 55:30.80,
55:31

Discretion, application to, 55:6

Discrimination, 55:15 to 55:30.80

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

Educational attainment, 55:21

Employment status, 37:7, 55:26, 55:50

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

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

Formal, 55:10 to 55:12, 55:23, 55:30.40,
55:41

Hate propaganda

See EXPRESSION

Human dignity, 55:19, 55:20

Human rights codes

See HUMAN RIGHTS CODES

Indians

See INDIANS AND INDIAN LANDS

Language, 55:26, 55:38

Limitations on, 55:32

Marital status, 27:9, 40:6, 55:18, 55:20,
55:21, 55:24, 55:26, 55:47

Mental disability, 55:30, 55:30.80, 55:45

Military status, 55:2

Municipal by-laws, 55:49

Occupation, 55:26, 55:50

Over-inclusive law, 40:8

Override of rights, 55:43

Physical disability, 32:4, 33:4, 55:30.40,
55:30.80, 55:31, 55:45, 57:17

Race, 26:2, 27:9, 27:14 to 27:17, 28:4,
36:31, 55:1 to 55:3, 55:34, 55:39

Reasonable accommodation, 55:30.80,
55:45

Region

See residence

Religion, 42:9, 55:26, 55:35, 55:40

Residence, 21:18, 26:2, 28:5, 28:41,
33:5, 55:26, 55:36, 55:49

Reverse discrimination, 55:31

Same-sex marriage

See MARRIAGE

Sex, 4:2, 28:2, 38:17, 40:5, 40:6, 43:40,
55:2, 55:3, 55:7, 55:28, 55:30,
55:30.40, 55:30.60, 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, 55:26,
55:28, 55:30.40, 55:48, 59:5

EQUALITY—Cont'd

- Substantive, **55:12, 55:30.40 to 55:30.80, 55:42**
- Temporal distinction, **55:26**
- Under-inclusive law, **38:15, 40:4 to 40:9**
- 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

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, 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**

EVIDENCE—Cont'd

- 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**
- Disclosure by third parties, **36:9, 47:35, 47:37, 51:12, 59:10**
- Discoverability rule, **41:5, 41:8, 41:13, 54:8**
- DNA, **41:11, 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, **40:9, 51:14, 55:28, 55:30**
- 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

EVIDENCE—Cont'd

- 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**
- 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**

EXECUTIVE POWER—Cont'd

- 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, 38:7, 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**
- Candidacy, **43:39**
- 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**
 - open court principle, **43:31, 43:32**
 - 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**

EXPRESSION—Cont'd

Election signs
 See ELECTIONS
 Electoral expression, **43:38 to 43:39.50**
 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
 Irwin Toy test, **43:5**
 Journalist secret source privilege, **37:12, 43:19**
 Language requirements
 See LANGUAGE
 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 to 43:39.50**
 Pornography, **38:9, 38:16, 43:29**
 Positive claims, **43:20.50**
 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**
 Right not to be offended, rejection of, **43:27**
 Signs, **43:3, 43:24**

EXPRESSION—Cont'd

Statutory platform, **43:20.50, 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, 43:39.50**
 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, 29:5, 29:8**
 Crown property, **10:21, 29:7**
 Disguised, **29:8**
 Extraprovincial right, **13:5, 23:8, 29:7, 29:8**
 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**

EXTRATERRITORIAL COMPETENCE

—**Cont'd**

- Charter of Rights
 - See CHARTER OF RIGHTS
- Company, **13:7, 23:2**
- Contractual rights, **13:5, 13:6, 15:11, 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**
- 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**
- Property, **5:8, 15:15, 27:4, 27:9, 27:16**
- Punishment of children, **27:2, 40:9**
- 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,

FEDERAL GOVERNMENT—Cont'd
 FEDERALISM, GOVERNOR GENERAL

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**

Delegation between Dominion and provinces

See INTER-DELEGATION

Distribution of powers

See DISTRIBUTION OF POWERS

Diversity of laws, **38:21, 52:23, 55:26, 55:36**

Executive federalism

See EXECUTIVE FEDERALISM

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**

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, 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**

FEDERAL PARLIAMENT—Cont'd

- Provinces, power to bind, **10:21**
- Residuary power
 - See RESIDUARY POWER
- Royal assent
 - See ROYAL ASSENT
- S. 96, whether bound by, **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**
- 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

FINANCIAL ARRANGEMENTS

—Cont'd

- 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, **30:1 to 30:33**
- Legislative power over, **29:4, 30:15 to 30:20**
- 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, 55:26**
 - 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, 38:10, 38:12, 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

FREE TRADE

Provinces, between, 31:4, 46:7 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 to 47:18, 51:14

FUNDAMENTAL JUSTICE—Cont'd

Arbitrariness, 47:24 to 47:26

Automatism as defence, 38:31, 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

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, 38:31, 47:23

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

Mens rea requirement, 40:5, 40:6, 47:14 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, 50:12, 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, 18:20, 21:4, 21:17, 28:20, 34:6, 55:49

GENERAL POWER

See PEACE, ORDER, AND GOOD GOVERNMENT

GENETIC DISCRIMINATION

Power over, **18:10**

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

Access to government, **43:40**
Access to government documents, **43:41**
Agent of, **37:7**
Cabinet
See **CABINET**
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**
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

GREENHOUSE GASES

- Power over, 17:3, 17:5 to 17:5.70

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

HEALTH—Cont'd

- 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, 15:11, 18:3, 18:5, 18:6, 32:2
- Food
 - See FOOD AND DRUGS
- Genetic discrimination, 18:10
- 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
- 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

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

HOUSE OF COMMONS—Cont'd

- 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, **55:17**
- 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, **36:31**
- 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

INCONSISTENCY—Cont’d

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

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 28:16

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

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

Investment of band money, 55:20, 55:28,
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 28:41

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 ABORIGINAL RIGHTS

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

Treaties affecting, 28:6, 28:21

INDIANS AND INDIAN LANDS

—Cont’d

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

Vote right to, 28:2, 28:5, 28:41, 45:1 to
45:5, 55:26, 55:49

INDIVIDUAL

Generally, 37:3

INDUSTRIAL RELATIONS

See LABOUR RELATIONS

INDUSTRY

See BUSINESS

INFLATION

Matter, as, 17:5.30, 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, 38:31, 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
 - See EVIDENCE

INSOLVENCY

- See BANKRUPTCY AND INSOLVENCY

INSURANCE

- Bank, offered by, **15:18**
- Criminal law power, **15:11, 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**
- 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 14:18**
- 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**

INTEREST—Cont'd

- Provincial attempts to regulate, **15:11, 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**
- 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, **36:28**
- Human rights, on, **11:6 to 11:9, 36:28**
- Internal law and, **11:6 to 11:9, 36:28**
- Power to decide, **36:12**
- Statutory interpretation and, **11:6 to 11:9, 36:28**
- Treaty
 - See TREATY

**INTERPRETATION OF
CONSTITUTION**

See also STATUTORY INTERPRETATION

Constitutional exemption, **40:7 to 40:9, 42:6, 53:4**

English-French discrepancies, **36:24**

Extension remedy of, **37:13**

Originalism, **15:27, 48:5, 48:7, 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**

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 CANADA, INDIANS AND INDIAN LANDS, ABORIGINAL 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**

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

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 40:25

Classification of laws, 15:5 to 15:13

Colourable law

See COLOURABLE LAW

JUDICIAL REVIEW OF LEGISLATION

—Cont'd

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

Exclusion of

See PRIVATIVE CLAUSE

Federal courts power of, 7:11

Federalism and Charter compared, 15:2, 36:18, 36:26 to 36:28

Federalism takes priority over Charter, 15:2, 36:26 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, 15:12

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, 15:12, 36:5

Political question

See POLITICAL QUESTION

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

- Presumption of constitutionality, **5:21, 15:13, 38:5, 55:27**
- 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
- 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, 55:26**
- 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**
- 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 56:15**
 Delegated legislation of, **56:8**
 Discrepancies between English and French, **36:24**
 Discrimination on basis of, **55:30,40, 55:38, 56:15**
 Education of
 remedy for breach, **40:4, 56:22**
 under s. 23, **37:4, 38:6, 38:14, 38:20, 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, **40:23, 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

LANGUAGE—Cont'd

Simultaneous enactment in English and French, **56:6**
 Statutes of, **12:10, 36:22, 40:9, 56:4 to 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**
 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**

LEGISLATIVE ASSEMBLY

See PROVINCIAL LEGISLATURE

LEGISLATIVE BRANCH

See LEGISLATIVE POWER

LEGISLATIVE COUNCIL

Abolition by provinces, **9:10, 12:10**

LEGISLATIVE HISTORY

Constitution Acts of, **36:29, 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**

LEGISLATIVE POWER—Cont'd

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**
 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
- 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, 55:15, 55:16, 55:32**
- Application to s. 23, **38:30**
- 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, 38:31**
- Cost as justification, **38:17, 38:20, 38:22, 38:25, 47:12**
- Description, **38:1**
- Discretion, **38:8**
- Emergency measures, **38:33**
- Equality clauses, relation to, **38:23, 55:32**
- European Convention on Human Rights, in, **38:1**

LIMITATION CLAUSE (s. 1)—Cont'd

- 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**
- 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 to 38:17, 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 36:18**

LOCAL MATTERS

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

LOCAL MATTERS—Cont'd

- 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**
- Social assistance, **33:5**
- Trade regulation, **20:1, 21:4**

LOCAL WORKS

- See DECLARATORY POWER, TRANSPORTATION AND COMMUNICATION

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 CANADA
- 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
- 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, **40:4**
- 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**

MARKETING—Cont'd

- 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**
- 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, 55:26, 55:28, 55:47**
- Recognition, **27:1, 27:3**
- Same-sex marriage, **8:11, 12:2, 15:27, 27:3, 27:8, 42:11, 55:26, 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 to 15:14, 36:18, 60:2**
- Distinctness, **17:5.30**
- Environment as, **30:31**
- Expression as, **43:3**
- Health as, **18:6**
- Inflation as, **17:5.30, 20:4**
- Labour relations as, **21:11**
- 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, ABORIGINAL 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**
 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**

MOBILITY—Cont'd

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**

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 ABORIGINAL 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, 30:11 to 30:14**

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

Onshore minerals, **29:3, 30:1 to 30:10**

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**
- 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**

NOVA SCOTIA—Cont'd

- Constitution, **1:4, 1:9, 2:1, 2:2 to 2:4, 2:7**
- 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 2:6**
- 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 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**

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, **18:17, 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, 17:5.30, 17:12**
- Double aspect doctrine, **15:7, 17:2**
- Drugs, **17:3, 17:6, 18:4**
- Emergency branch, **17:3, 17:7 to 17:12, 21:11**
- Expression
 - See **EXPRESSION**
- Extraterritorial restriction, **13:2**
- Gap branch, **17:2, 17:7**

PEACE ORDER, AND GOOD

GOVERNMENT—Cont'd

- Greenhouse gases, **17:3, 17:5 to 17:5.70**
 - 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, 18:7, 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
 - See **TRENCHING**
 - Unemployment insurance, **17:1, 17:7**
 - Voting qualifications, **45:1**
 - Wage and price control, **15:26, 17:5.30, 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, 48:27, 55:30, 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,
50:3.40 to 50:3.80, 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, 48:8 to 48:12, 57:18

Search and seizure

See SEARCH AND SEIZURE

Security guards compared, 37:13

Sniffer dogs, use of, 41:11, 48:8 to 48:12,
48:14, 48:27, 57:18

Trickery, 47:31

POLITICAL PARTIES

Regulation, 45:4

POLITICAL QUESTION

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

POLLUTION

See ENVIRONMENT

POLYGAMY

See RELIGION

PORNOGRAPHY

See EXPRESSION, SEARCH AND
SEIZURE

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 preroga-
 tive, **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, 45:7**
 - 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, 58:3**
- 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, **38:32, 51:3**
- Independence of the bar, **15:28, 38:32, 47:15**
- Power over, **15:7, 19:6, 19:14, 21:9**
- Solicitor-client privilege
 - See EVIDENCE

PROGRESSIVE INTERPRETATION

- See INTERPRETATION OF CONSTITUTION

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, 18:20, 51:3**

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

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

Indian property

See ABORIGINAL 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, **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**
 Living on avails, **40:4, 47:12, 47:24, 47:25, 51:14**
 Power to regulate, **18:20, 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
 Nova Scotia
 See NOVA SCOTIA

PROVINCES—Cont'd

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**
 Exclusive powers
 See EXCLUSIVE POWERS

PROVINCIAL LEGISLATURE—Cont'd

- 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

PUBLIC SERVANTS—Cont'd

- 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**
- Lower Canada
 - See LOWER CANADA

QUEBEC—Cont'd

- 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, **18:17, 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, 40:1, 40:4, 40:7**

READING IN

- Generally, **37:13, 40:1, 40:6, 40:7, 40:9, 47:16 to 47:18**

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, 36:31, 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, **36:10, 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

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, 9:21**
- 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, 36:31, 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, **18:20, 48:30, 50:3.40, 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, 18:20, 47:9, 51:3**
 - Expression on, **43:3, 43:24**
 - Federal power over, **15:7**
 - Inter-delegation, **14:13, 22:5**
 - Offences, **18:20**
 - Paramountcy, **16:5**
 - Power over, **15:24, 18:19, 18:20, 21:4, 22:11**
 - Random stops by police, **48:26, 49:3 to 49:8, 50:3.40**
 - 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, 28:41**

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.

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

SEARCH OR SEIZURE

Abandoned property, **48:15**

Airport, in, **48:5 to 48:12, 48:28, 50:3.40**

Arrest incident to

See **ARREST**

Bodily samples, **48:15, 48:21, 48:23, 48:27**

Border at, **48:28, 50:3.40**

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, 48:6, 48:12, 48:15**

shared computer, **48:12**

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**

Dwellinghouse of, **48:21**

SEARCH OR SEIZURE—Cont'd

- Electricity consumption, **48:6**
- Electronic surveillance, **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, **48:11**
- Hospital records, **48:10**
- Illegal, **48:34**
- Investigative detention, incident to, **48:24, 49:3 to 49:8, 50:3.80**
- 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, **48:12**
- Press premises, of, **43:17**
- Preventative, **48:32**
- Prisons, in, **48:26, 55:30, 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, **48:9**
- Return of goods seized, **40:17, 48:37**
- Safety (or protective) search, **48:25**
- Schools in, **41:11, 48:8, 48:12, 48:27, 50:3.40**
- Search defined, **48:4 to 48:15**
- Securing of premises, **41:9**
- Security guard, by, **37:13, 48:9, 48:13**
- Seizure defined, **48:4 to 48:15**
- Smell as search, **41:9, 48:8, 48:14, 48:21**
- Sniff by dog as search, **41:11, 48:8, 48:14, 48:24, 48:27, 48:28, 49:3 to 49:8, 57:18**
- Solicitor-client privilege
 - See EVIDENCE
- Strip search, **48:23, 48:27, 48:28**
- Telephone, **48:4 to 48:15, 48:23**
- Text messages, **48:5, 48:12, 48:23**
- Thermal imaging, by, **48:7, 48:14**
- Unreasonable, **48:21 to 48:35**
- Vehicle, of, **48:26, 49:3 to 49:8**
- Warrant, quashing, **40:17**

SEARCH OR SEIZURE—Cont'd

- 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, 18:19, 18:20, 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**
- Australia compare, **9:10**
- Candidate, right to be, **45:6**

SENATE—Cont'd

- 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, 40:1, 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
- Canada Health and Social Transfer
 - See CANADA HEALTH AND SOCIAL TRANSFER

SHARED-COST PROGRAMMES

—Cont'd

- 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, **15:12**
- 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**

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

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

SPENDING POWER—Cont'd

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

Inoperative

See INOPERATIVE LAW

STATUTE—Cont'd

- 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 10:18**
- 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**
- Presumption of constitutionality, **15:5 to 15:13**
- Privative clauses, avoidance by, **7:20, 34:2**

STATUTORY INTERPRETATION

—Cont'd

- 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**
- Advisory opinions, **8:8 to 8:12**
- Amendments affecting
 - See AMENDMENT OF CONSTITUTION

SUPREME COURT OF CANADA**—Cont'd**

- 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

TAX AGREEMENTS—Cont'd

- 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, 31:13, 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 48:35**
- 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**
- 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**

TAXATION—Cont'd

- 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, 15:11, 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 31:28, 40:25, 58:6, 58:8, 59:19**
- United States, in
 - See UNITED STATES
- 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
- 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**

TERRITORIES—Cont'd

- 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, 18:11, 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, 36:28, 37:14, 47:15**

TRADE AND COMMERCE

- Australian commerce clause contrasted, **20:1**
- Capital, mobility
 - See MOBILITY
- Companies, incorporation, **23:1**
- 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**

TRADE AND COMMERCE—Cont'd

- 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, 18:11, 18:17, 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
- Aeronautics
 - See AERONAUTICS
- Bus line
 - See ROADS
- Delegation of powers, **14:13, 46:9, 46:14**
- Education
 - See EDUCATION

TRANSPORTATION AND

COMMUNICATION—Cont'd

- 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**
- Works for general advantage of Canada
 - See DECLARATORY POWER

TRAVEL

- See MOBILITY

TREATMENT

- See CRUEL AND UNUSUAL PUNISHMENT

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 22:16, 36:20**
- Indians with
 - See ABORIGINAL 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**
- 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, 55:28, 55:30**
- Joint trial of provincial and criminal offences, **7:1**
- Jurors selection of, **40:4, 51:23, 55:28**
- Jury by, **7:7, 19:4, 37:2, 51:16, 51:19 to 51:25, 55:30**

TRIAL—Cont'd

- Presence of defendant, **37:15**
- Public, **37:16, 37:17, 43:33, 51:13**
- Reasonable time, within, **36:31, 40:4, 51:5, 52:1 to 52:17**
- Testimony behind veil, **36:23, 42:6**
- Waiver of delay, **36:23, 37:16, 37:21, 52:9**
- Waiver of jury, **37:15, 37:22, 51:22, 55:30**

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, **58:4**
- 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**
- Reading down
 - See **READING DOWN**
- Reading in
 - See **READING IN**
- Severance
 - See **SEVERANCE**
- Temporary validity, **36:10, 40:1, 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**
- 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**

UNITED KINGDOM PARLIAMENT

—Cont'd

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**

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**

UNITED STATES—Cont'd

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, 33:3**

Territorial competence of states, **13:3, 13:10, 13:11, 13:14**

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**

UNIVERSITIES—Cont'd

- 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 CANADA
- 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 LEGISLATION

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**

WAIVER—Cont'd

- 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 GOVERNMENT
- 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, **38:33**
- 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**
- Validity, **17:8**

WARREN, CHIEF JUSTICE EARL

- Influence, **36:5**

WATER

- Boundaries of provinces
 - See BOUNDARIES OF PROVINCES
- Canada Water Act, **30:32**

WATER—Cont'd

- 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, 55:31**

WESTERN AUSTRALIA

- Secession attempt, **5:25**

WESTERN PROVINCES

- Alberta
 - See ALBERTA
- 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, 18:16, 19:4, 27:2, 47:15**

YUKON TERRITORY

- Courts, **7:13**
- Creation, **2:9**
- Devolution, **5:3, 14:4**
- Federal power over
 - See TERRITORIES

ZIEGEL, J.S.

- Incorporation power, on, **23:3**

ZIMBABWE

- Generally, **5:26**

INDEX

ZONING

See PROPERTY