

Index

ABDICATION OF LEGISLATIVE POWER

See LEGISLATIVE POWER

ABEL A.S.

Colourability, on, **15:11**

Matter, on, **15:5**

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

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

ABORIGINAL PEOPLES OF CANADA

See also ABORIGINAL RIGHTS, INDIGENOUS PEOPLES

Definition of, **1A:1, 33:2, 33:51**

Rights of

See ABORIGINAL RIGHTS

ABORIGINAL RIGHTS

Aboriginal peoples of Canada

See ABORIGINAL PEOPLES OF CANADA

Aboriginal rights, **33:55 to 33:57**

Aboriginal title, **33:58 to 33:67**

Administrative tribunal, power to determine, **7:1, 33:45, 40:26**

Affirmative action, **55:31**

Common law, at, **33:46**

Conflict with Charter, **33:88 to 33:91**

Consent to infringement, **33:56, 33:60**

Constitutional protection of, **33:47 to 33:54, 33:68, 33:91**

Consultation

by Crown, **33:57, 33:61, 33:63, 33:81 to 33:85**

by regulatory agency, **33:82**

Evidence of, **33:55, 33:59, 60:8 to 60:13**

Extinguishment of, **33:38, 33:40, 33:44, 33:46 to 33:47, 33:49, 33:52, 33:58, 33:60**

Forestry, **33:44 to 33:45, 33:56, 33:62 to 33:63, 33:81 to 33:83**

Gaming laws, **33:68**

Heritage property, **15:15, 21:19, 33:40, 33:43**

History of, **4:3, 4:20, 33:46, 33:47**

ABORIGINAL RIGHTS—Cont'd

Honour of the Crown, **33:25, 33:26, 33:54, 33:76, 33:77, 33:79 to 33:81, 33:84, 33:92, 33:95**

Hunting and fishing, **33:37, 33:47, 33:51, 33:55, 33:58, 33:60, 33:69, 33:82, 33:94, 55:31**

Indigenous Peoples

See INDIGENOUS PEOPLES

Indigenous perspective, **33:14, 33:32, 33:59**

Inherent rights policy, **33:13, 33:28**

Language, **56:1**

Métis rights, **33:48, 33:51, 33:69**

Property, **21:19, 33:32, 33:38, 33:58, 33:60**

Provincial laws, effect of, **33:39 to 33:45, 33:53 to 33:54**

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

Recognition of, **33:46 to 33:48, 33:52**

Remedies for breach, **33:92, 33:94 to 33:97**

Self-government, **4:20, 33:13, 33:28, 33:32, 33:41, 33:49, 33:60, 33:67, 33:68, 33:90**

Self-help remedies, **33:94**

Sexual equality, **33:18**

Treaty rights

See TREATY RIGHTS

ABORIGINAL TITLE

See ABORIGINAL RIGHTS, INDIGENOUS PEOPLES

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, 33:29, 33:45, 33:82**

Consult Indigenous Peoples, power to, **33:82, 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, **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, **15:30, 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, 7:17**

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

See INDIANS

Inter-delegation

See INTER-DELEGATION

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

ADVERTISING

See EXPRESSION

ADVISORY OPINION

See REFERENCE

INDEX

AERONAUTICS

- Aerodrome, location, **15:5, 15:18, 22:14, 22:15**
- Airport, construction, **15:18**
- Economic regulation, **22:14**
- Federal power over, **17:2, 22:13 to 22:15**
- Interjurisdictional immunity, **15:18, 22:15**
- Labour relations, **21:11**
- Local airline, **22:14, 22:20**
- Navigational regulation, **22:14**
- Provincial regulation, **22:15**
- Security of, **15:18, 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, **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, **58:12**
- Natural resources agreement
 - See NATURAL RESOURCES AGREEMENTS
- Reception of law, **2:2 to 2:4, 2:9**

ALBERTA—Cont'd

- Region, as, **5:6**
- 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 rights, affecting, **33:9, 33:47, 33:52, 33:68**
- 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**
- Indigenous participation
 - See INDIGENOUS PEOPLES
- 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**

AMENDMENT OF CONSTITUTION

—Cont'd

Lieutenant Governor, in relation to, **4:6, 4:16, 4:19, 5:9, 12:10, 14:8, 14:9**
 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**
 Treaty rights, affecting, **33:73**
 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, **42:4**

AMERICAN BILL OF RIGHTS—Cont'd

Corporations, and, **37:2**
 Counsel, right to, **36:5, 50:6, 50:15**
 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, 37:6, 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**
 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, 42:2, 42:3, 42:8, 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, 36:5, 36:7**
 Japanese Americans case, **55:3**
 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**

INDEX

AMERICAN BILL OF RIGHTS—Cont'd

School desegregation, **36:5**
School prayers, **36:5, 42:8**
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**
Speech, **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**
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 POWERS

Generally, **15:4, 15:15, 15:23**
Framework for analysis, **15:15**
Necessity test, **15:15**
Rational, functional connection test, **15:15**
Role of, **15:4, 15:15**

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**

ARBITRARINESS

See **FUNDAMENTAL JUSTICE**

ARBITRARY DETENTION OR IMPRISONMENT

Arbitrary, **49:4 to 49:14**
Arrest
See **ARREST**
Canadian Bill of Rights, under, **49:1**
Charter under, **49:1 to 49:14**
Cruel and unusual compared, **53:3**
Detention
See **DETENTION**
Duration, **49:9**
Lack of legal authorization, **49:5**
Procedural fairness, **49:8**

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, 49:10**
Police powers, **49:5, 49:6, 49:10 to 49:12, 50:2**
Reasons, right to, **50:4**
Search or seizure incident to, **37:12, 48:2, 48:21 to 48:23**
Warrant, requirement of, **48:21**

ASSEMBLY

Charter protection, **18:20, 44:2**
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, **37:7, 37:13, 38:20, 39:2, 44:3 to 44:8**

ASYMMETRY

See SPECIAL STATUS

ATOMIC ENERGY

Generally, **17:2, 17:3, 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 powers, **15:15**
Characterization of laws, **15:8**
Civil liberties, **31:6, 31:7**
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**
Delegation, **14:5, 14:10**
Divorce
 See DIVORCE
Double jeopardy, **16:8**

AUSTRALIA—Cont'd

Enumerated powers, **5:9, 15:15, 15:23, 20:1**
External affairs, **11:9**
Extraterritorial competence, **13:3**
Federalism
 See FEDERALISM
Financial arrangements, **6:10**
Full faith and credit, **13:11**
Governors of states, appointment, **9:3**
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, **15:30**
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, 15:15, 15:25**
Senate, **9:10**
Severance clause, **15:30**
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, **3:9**

AVIATION

See AERONAUTICS

BAIL

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

INDEX

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, **21:5 to 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

BILL OF RIGHTS—Cont'd

American Bill of Rights
See AMERICAN BILL OF RIGHTS
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, **15:28**
implied bill of rights, **12:3, 34:7**
small bill of rights, **12:3, 34:5, 57:1**
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, 47:24, 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, **33:49, 33:53, 33:55, 33:59 to 33:60**

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

Privilege, **10:6**

Privy Council (Canada), part of, **9:5**

Secrecy, **7:20, 10:5, 10:7 to 10:9, 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, **24:7**

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

INDEX

CANADA ACT 1982

Citation, **4:1**
French version, **1:3, 56:3**
History, **1:3, 1:11, 3:4, 3:6, 4:1, 4:2**
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, 28:5**

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, 28:5**

CANADA PENSION PLAN

Generally, **5:4, 6:7, 14:10, 28:3, 55:44, 55:48, 58:1**

CANADA WEST

See also ONTARIO, UNITED PROVINCE OF CANADA, UPPER CANADA
Generally, **2:6, 2:7, 5:3, 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**

CANADIAN BILL OF RIGHTS—Cont'd

Exempting clause, **12:10, 17:9, 35:3, 36:7, 39:8**
Fair hearing, **35:1, 35:7, 47:2, 47:13, 47:14**
Federal laws, application to, **1:2, 35:1, 35:2, 37:6 to 37:14**
Fundamental justice
 See FUNDAMENTAL JUSTICE
History, **1:2, 34:2, 35:1**
Indian Act, **33:89, 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, **51:7, 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

Charter of Rights review, for, 15:5, 36:13 to 36:17

Distribution of powers review, for, 15:4.50 to 15:13

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, 33:13, 33:28, 33:68, 33:90, 43:40

CHARTER OF RIGHTS

See also CONSTITUTION ACT 1982

Amendment of, 36:1

American jurisprudence, relevance, 36:27

Application to

administrative tribunals, 37:7, 38:32

amending procedures, 4:7, 37:9

anyone, 37:2

citizen, 37:4

collective agreement, 37:8, 44:8

colleges, 37:8, 37:10, 57:14

common law, 37:10, 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, 37:8, 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

CHARTER OF RIGHTS—Cont'd

Application to—Cont'd

extradition proceedings

See EXTRADITION

federal and provincial governments, 37:10

federal and provincial laws, 15:2, 35:1, 36:1, 37:6 to 37:8

foetus, 37:2, 37:3, 47:6, 47:8

foreign governments, 37:10

hospitals, 37:8, 37:10

illegal immigrants, 37:4

Indigenous governments, 33:90 to 33:91, 37:8, 37:10

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

schools and school boards, 37:8, 37:10, 57:14

security guards, 37:13

silence of legislature, 37:7

statutory interpretation, 37:12

universities, 37:8, 37:10, 57:14

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, 43:27, 43:32

Conflict with rights of Indigenous Peoples, 33:88 to 33:91

Constitutional status, 35:1, 36:1

Cost of compliance, 38:4, 38:17, 55:41

Costs for breach of

See COSTS

INDEX

CHARTER OF RIGHTS—Cont'd

- 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
- 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, **15:5, 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)

CHARTER OF RIGHTS—Cont'd

- 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**
 - effect of invocation, **39:7**
 - 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**
- Political questions, **36:12, 36:22**
- Preamble, **42:10**
- Precedent, **36:26**
- 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, **1:14, 8:4**

Powers, **8:3**

CHILD

Adoption

See ADOPTION OF CHILDREN

Apprehension, **47:12, 47:32**

Best interests of, **42:6, 47:15, 47:24, 55:44**

Corporal punishment of, **47:12, 47:15, 47:25, 47:28, 53:1, 55:19, 55:44**

Custody

See CUSTODY AND SUPPORT

Indigenous, disputes over jurisdiction, **33:30**

Parental rights, **42:6, 47:12**

Pornography, **38:22, 43:7, 43:29**

Welfare, **27:6, 27:7, 33:39 to 33:44, 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

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**

INDEX

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, **15:15, 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 to 15:4.50, 15:14, 15:22 to 15:29**
- 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, **36:26**
- Distribution of powers review, for, **15:4.50, 15:14, 15:22**

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**
- Crown
 - See **CROWN**
- Definition, **7:11**
- Federal, **7:11**
- International law, adoption of, **11:6, 34:2**
- Laws of Canada
 - See **LAWS OF CANADA**
- Paramountcy, **16:1**
- Prerogative power
 - See **PREROGATIVE POWER**
- Prescribed by law, **38:7 to 38:9**
- Reception
 - See **ENGLISH LAW IN CANADA**
- Retroactive change, **51:26**
- Rights
 - See **UNDECLARED RIGHTS**
- Uniformity, **2:2 to 2:4, 8:5**

COMMON MARKET

- Generally, **2:7**

COMMONWEALTH

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

COMMUNICATION

See **EXPRESSION, TRANSPORTATION
AND COMMUNICATION**

COMPANY

Bail, no right to, **51:21**

Banks

See **BANKING**

Business activity regulation of, **23:6**

Canadian Bill of Rights, application to,
37:2

Charter of Rights, application to

See **CHARTER OF RIGHTS**

Citizen as

See **CITIZEN**

Compellability as accused, **51:11**

Compellability of employee, **51:11**

Directing mind, **51:11**

Equality rights lacks, **55:5**

Expropriation of assets

See **EXPROPRIATION**

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-INCRIMI-
NATION**

Generally, **51:6 to 51:12, 54:3**

COMPENSATION

Property expropriated, for, **13:5, 29:8**

Victim of crime, **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**

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, 27:6**

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**

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**

INDEX

CONCURRENT POWERS—Cont'd

Securities regulation, **15:7**
Support, **15:7, 27:7, 27:8**
Taxation, **15:25, 28:1**
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
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 support 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

CONSTITUTION—Cont'd

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**
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**

CONSTITUTION ACT, 1982—Cont'd

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**

Indigenous constitutionalism

See INDIGENOUS

CONSTITUTIONALISM

**CONSTITUTIONALITY,
PRESUMPTION OF**

Generally, **5:20, 5:21, 15:13, 15:31, 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**

CONSTITUTION OF CANADA—Cont'd

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**

INDEX

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, **2:12**
- Origin, **1:10**
- Provincial role in amendments, **1:10, 4:1**
- Queen's powers limited by, **1:10**
- 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 programs
 - See SHARED-COST PROGRAMS

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**
- 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**

COURTS—Cont'd

Bias
 See BIAS
 Charter of Rights, application to
 See CHARTER OF RIGHTS
 Choice of law, **13:6, 13:9, 13:14**
 Civil jurisdiction, **7:1, 13:10, 13:11**
 Class actions, **13:10, 13:11**
 Constitutional cases
 See JUDICIAL REVIEW OF
 LEGISLATION
 Constitutional limits on jurisdiction, **7:15**
 to 7:20, 13:9 to 13:14, 19:4, 27:14
 to 27:17, 43:28
 Contempt of court
 See CONTEMPT OF COURT
 Core jurisdiction, **7:16, 7:19, 7:20**
 Criminal jurisdiction, **7:1, 7:4, 7:11, 7:16,**
 19:3, 19:17
 Establishment, **7:1 to 7:14**
 Exchequer Court of Canada
 See EXCHEQUER COURT OF CAN-
 ADA
 Extraterritorial competence
 See EXTRATERRITORIAL COMPE-
 TENCE
 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

COURTS—Cont'd

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
 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, 52:20,**
 52:21, 52:26

CREDIT

See BANKING, BANKRUPTCY AND
 INSOLVENCY, DEBT ADJUST-
 MENT, INTEREST

INDEX

CREDITORS' RIGHTS

See **BANKING BANKRUPTCY AND
INSOLVENCY, DEBT ADJUST-
MENT, 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**
Automatism as defence
 See **FUNDAMENTAL JUSTICE**
Censorship
 See **EXPRESSION**
Civil remedy, **18:10, 18:17, 18:18**
Compensation of victim, **18:18**
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, 18:20, 51:3**

CRIMINAL LAW—Cont'd

Gambling, **18:18, 18:20, 21:17**
Genetic discrimination, **18:10**
Gun control
 See **GUNS**
Harm principle, **18:2, 47:15, 47:26**
Health
 See **HEALTH**
Innocence presumption of
 See **INNOCENCE, PRESUMPTION
 OF**
Inquiry into organized crime, **19:8, 19:16**
Insanity
 See **MENTAL DISORDER**
Insurance regulation, **18:19**
Intoxication as defence
 See **FUNDAMENTAL JUSTICE**
Jurisdiction vesting of, **19:4**
Juvenile delinquency
 See **YOUNG OFFENDERS**
Legal product, advertising of, **18:5, 43:23**
Magistrate's jurisdiction, **19:3 to 19:5**
Mens rea requirement
 See **FUNDAMENTAL JUSTICE**
Mental disorder, **18:14, 47:25, 49:6, 49:8, 49:13, 55:45**
Murder
 See **MURDER**
Narcotics
 See **FOOD AND DRUGS**
Offence defined, **51:3**
Pardon, **19:17**
Parole, **19:19, 40:6, 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, 47:25**
 federal, **17:6, 18:1, 19:15, 20:5**
 provincial, **18:1, 18:20, 19:14**

CRIMINAL LAW—Cont'd

Provincial penal laws, **16:5, 16:8, 18:1, 18:17, 18:20, 19:18**
 Public inquiries, **19:16**
 Punishment
 capital
 See DEATH PENALTY
 conditional sentence, **47:24**
 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**
 powers over, **18:1, 18:19, 19:17, 47:9, 47:15**
 pre-sentence custody, **47:25**
 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
 Sex work, **18:20**
 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, 47:25, 51:13**
 Full answer and defence
 See FUNDAMENTAL JUSTICE
 Judicial investigative hearing, **7:5, 43:33, 47:27 to 47:29**
 Legal rights
 See LEGAL RIGHTS
 Power over, **7:1, 18:1, 19:6**
 Preservation of property, **48:4**
 Presumption of innocence
 See INNOCENCE, PRESUMPTION OF
 Search or seizure
 See SEARCH OR SEIZURE
 Trial of indictable offences, **19:4**

CROWN

See also CANADA, PROVINCES, QUEEN
 Agent, **10:2 to 10:4, 10:13 to 10:15, 31:24, 37:10**
 Attorney General, action against, **10:5**
 Bankruptcy claim in, **25:11 to 25:13**
 Commercial activity, **31:27**
 Common law origin, **1:8**
 Contractual liability, **10:10**
 Costs against
 See COSTS
 Criminal liability, **10:4**
 Definition, **10:1, 10:16, 10:17, 37:10**
 Discovery against, **10:6**
 Evidence, power to withhold, **7:3, 7:19, 7:20, 10:5, 10:6 to 10:9, 15:1, 15:28, 47:32, 60:2**
 Expropriation of Crown property, **10:21, 29:7**
 Extraterritorial capacity, **13:8**
 Federal court proceedings, **7:11, 10:5**
 Fiat for suit, **10:5**
 Injunction immunity, **40:16**
 Interjurisdictional immunity, **10:16 to 10:21**

INDEX

CROWN—Cont'd

- Legislative power over, **10:13**
- Levy taxes may not, **58:6**
- Mandamus, immunity, **40:16**
- One and indivisible, **10:1, 10:16, 10:17, 10:20**
- Prerogative power
 - See PREROGATIVE POWER
- Privilege, evidence, **10:5, 10:6 to 10:9**
- Proceedings against, **7:11, 10:5**
- Proceedings by, **7:11**
- Property
 - in general
 - See PUBLIC PROPERTY
 - recovery of, **10:10**
- Public interest immunity, **10:5, 10:6 to 10:9**
- Restitution against, **58:7**
- Servants
 - definition, **10:3**
 - dismissible at pleasure, **10:11**
 - taxation, liability to pay, **31:22**
 - tortious liability, **10:12, 34:2, 58:4, 58:6**
- 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, **49:9, 53:3**
- Corporal punishment of child, **53:1**
- Corporations, application to, **53:1.70**
- Death penalty, **47:15, 53:7**

CRUEL AND UNUSUAL PUNISHMENT

—Cont'd

- Described, **53:1 to 53:7**
- Extradition
 - See EXTRADITION
- Foreign law, **47:15, 53:3**
- Hypothetical offenders, **53:4**
- Indeterminate sentence, **53:5, 53:8**
- Life imprisonment, **47:19, 53:4**
- Mandatory minimum sentence, **37:14, 40:8, 40:29, 47:15, 47:26, 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, **15:15, 21:19, 33:40, 33:43**
- Language
 - See LANGUAGE
- Literature
 - See LITERATURE
- Radio
 - See RADIO
- Religion
 - See RELIGION
- Television
 - See TELEVISION
- Theatre
 - See THEATRE

CUSTODY AND SUPPORT

- See also DIVORCE, FAMILY, MARRIAGE
- Alimony, **27:8**
- Concurrent powers, **15:7, 15:15**
- 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, **15:15, 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 rights exemption, **33:55**
- 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**
- Unconstitutional law, for
 - See **UNCONSTITUTIONAL LAW**

DANGEROUS OFFENDER

- Generally, **49:6, 49:14, 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**

DECLARATION—Cont'd

- Standing
 - See **STANDING**
- Suspended, **40:4, 58:1**

DECLARATORY JUDGMENT

- See **DECLARATION**

DECLARATORY LAW

- See **RETROACTIVE LAW**

DECLARATORY POWER

- Generally, **5:9, 5:17, 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**
- Dissolution of Parliament
 - See **FEDERAL PARLIAMENT**
- House of Commons, in, **9:11, 9:14, 9:16, 9:18, 9:20**
- Senate in, **9:10**
- Snap vote, **9:13**
- United Kingdom, **9:13**

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, 38:7, 39:5, 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**

INDEX

DELEGATION—Cont'd

- Australia, **14:5, 14:10**
- By provinces, **20:4**
- Executive power, of, **14:5**
- Federal power to provinces
 - See INTER-DELEGATION
- Indigenous governments, to, **33:20, 33:33**
- Initiative and referendum
 - See INITIATIVE AND REFERENDUM
- Judicial power, of, **14:6**
- Legislative power, of, **14:5, 14:11**
- Power of, **14:1 to 14:19**
- 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, 36:28, 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, 49:3, 50:3 to 50:3.80**
- Insanity, on account of
 - See MENTAL DISORDER
- Investigative, **48:25, 49:5, 49:11, 50:3.80**
- Mental disorder, **49:6, 49:13**
- Mistake of law, **49:5**
- Police powers, **49:5, 49:6, 49:10 to 49:12, 50:2 to 50:3.80**
- Psychological, **49:5 to 49:7, 49:11 to 49:14, 50:3, 50:3.40, 50:3.60**
- Racial profiling, **49:5**
- 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, 27:3, 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**

DISTINCT SOCIETY

See QUEBEC

DISTRIBUTION OF POWERS

See also FEDERALISM, LEGISLATIVE POWER

Classes of subjects

See CLASSES OF SUBJECTS

Executive matches legislative, **1:9**

Federal state, in, **5:1 to 5:7, 5:19, 5:20, 15:1, 17:2**

Gaps in, **12:2, 17:2**

Prerogative powers, **1:9**

Reform of, **4:21**

DIVISION OF POWERS

See DISTRIBUTION OF POWERS

DIVORCE

See also MARRIAGE

Australia, **5:9, 27:1, 27:9**

Corollary relief

See CUSTODY AND SUPPORT

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

DOCUMENTS—Cont'd

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, 15:16, 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, **36:5**

Equal protection included, **55:3**

Extraterritorial restrictions, **13:10, 13:14**

Incorporation of other rights, **16:8, 33:60, 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**

INDEX

DUPLICATION OF LAWS

See DOUBLE ASPECT,
PARAMOUNTCY

DURESS AS DEFENCE

See FUNDAMENTAL JUSTICE

DURHAM LORD

Generally, 2:6, 9:2

DUTY TO CONSULT

See ABORIGINAL RIGHTS, TREATY
RIGHTS

DWORKIN RONALD

Rights, on, 38:2

EDUCATION

Amendments relating to

See AMENDMENT OF CONSTITU-
TION

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 Act, 33:37, 57:3

Language of

See LANGUAGE

Legislative powers over, 42:1, 55:27,
57:1 to 57:13

Manitoba school question, 5:16

Modern treaties, 33:34

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, 15:5,
36:13 to 36:15, 36:26

EFFECT OF LAW—Cont'd

Distribution of powers, relevance to, 15:5,
15:9

ELECTIONS

Absentee voting, 40:17

Advertising, 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, 45:4

Political speech

See EXPRESSION

Power over, 9:19, 45:1

Prisoners voting, 36:9, 45:2

Public servants' involvement

See PUBLIC SERVANTS

Referendum

See REFERENDUM

Regulation, 43:39, 45:4

Residence requirement, 43:39, 45:2, 46:4,
55:49

Voting, 38:6, 45:1 to 45:5

ELECTRICITY

Consumption as evidence of crime, 48:6

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

EMERGENCIES ACT

Generally, 14:15, 17:8, 17:9, 38:33

Public order emergency, 17:8, 17:9, 38:33

EMERGENCY

Charter of Rights and

See CHARTER OF RIGHTS

Emergencies Act

Generally, 14:15, 17:8, 17:9, 38:33

EMERGENCY—Cont'd

- Emergencies Act—Cont'd
 - Public order emergency, **17:8, 17:9, 38:33**
- 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**
- Public order emergency, **17:8, 17:9, 38:33**
- Suspended invalidation, **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**
- Environmental impact assessment, power over, **30:32**
- Fisheries protection of
 - See FISHERIES
- Greenhouse gases as matter, **17:3, 17:5 to 17:5.70, 30:32**
- Interprovincial and international environmental effects, **17:3, 17:4, 17:5.30, 30:32**
- Pollution as matter, **17:3, 17:5 to 17:5.70, 30:31**
- Pollution of river, **13:6, 30:32**
- Power over, **17:3, 17:5 to 17:5.70, 18:2, 18:7, 18:18, 30:20, 30:31 to 30:33**

EQUALITY

- Adverse effects discrimination
 - See INDIRECT DISCRIMINATION
- Adverse impact discrimination
 - See INDIRECT DISCRIMINATION
- Affirmative action, **43:4, 55:3, 55:31**
- Age, **28:2, 28:5, 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**
- 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**

INDEX

EQUALITY—Cont'd

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**
Indigenous Peoples
 See **INDIGENOUS PEOPLES**
Indirect discrimination, **55:21, 55:23, 55:30.40, 55:39, 55:42**
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, **28:4, 32:4, 55:30.40, 55:30.80, 55:31, 55:45, 57:17**
Race, **26:2, 27:9, 27:14 to 27:17, 33:47, 33:89, 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, 33:91, 55:26, 55:36, 55:49**
Reverse discrimination, **55:31**
Same-sex marriage
 See **MARRIAGE**
Sex, **4:2, 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**
Substantive, **55:12, 55:30.40 to 55:30.80, 55:42**
Temporal distinction, **55:26**

EQUALITY—Cont'd

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, **36:28, 38:1**
Individual's right to petition, **36:28**
Limitation clauses, **38:1, 38:7**
United Kingdom, application to, **5:20, 12:1**

EUROPEAN COURT OF HUMAN RIGHTS

Generally, **36:28**

EUTHANASIA

See **PHYSICIAN-ASSISTED DEATH**

EVERYONE

Generally, **37:2**

EVIDENCE

Aboriginal law cases, in, **33:55, 33:59, 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, **7:3, 7:20, 10:7**
Canadian Bill of Rights, obtained in breach of, **41:2**
Charter cases, in, **38:4, 60:13**
Charter obtained in breach of
 See **CHARTER OF RIGHTS**
Compellability of accused
 See **COMPELLABILITY OF ACCUSED**
Confidential records, **36:9, 47:35 to 47:37**
Conscriptive, **41:8, 50:12**
Constitutional cases, in, **60:8 to 60:13**

EVIDENCE—Cont'd

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, **40:21, 47:34, 47:37**
 Disclosure by third parties, **36:9, 47:35, 47:37, 51:12, 59:10**
 Discoverability rule, **41:4, 41:8, 41:12, 54:10**
 DNA, **41:11, 48:13, 48:21, 48:23, 48:27, 51:31**
 Emergency finding of, **17:10, 60:10, 60:13**
 Exclusion power of, **40:21, 41:1 to 41:14**
 Extradition cases, in, **47:32**
 Fresh start analysis, **41:4**
 Illegally obtained, **41:2, 48:34**
 Incriminating
 See SELF-INCRIMINATION
 Informer privilege
 See INFORMER PRIVILEGE
 Inquest at, **19:7, 51:10**
 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**
 Mental disorder, of, **40:9, 51:14, 55:28, 55:30**
 Motion to suppress, **40:17**
 Police informer rule, **10:6, 19:7, 43:33**
 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, 47:35**
 Reference in, **8:12, 60:10**
 Search for
 See SEARCH OR SEIZURE
 Seizure of
 See SEARCH OR SEIZURE
 Sexual activity of complainant, **47:33**

EVIDENCE—Cont'd

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
 Prerogative power
 See PREROGATIVE POWER

INDEX

EXECUTIVE POWER—Cont'd

- 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, 47:27
 - 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
- Election signs
 - See ELECTIONS
- Electoral expression, 43:38 to 43:39.50

EXPRESSION—Cont'd

- 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
- SLAPP suits, 43:28
- Statutory platform, 43:20.50, 43:40

EXPRESSION—Cont'd

- 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, 33:42**

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**
- Administrative decision-makers, **13:6**
- 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**
- Real and substantial connection test, **13:6, 13:10, 13:12, 13:13**
- 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

INDEX

FAMILY

- Adoption
 - See ADOPTION OF CHILDREN
- Alimony
 - See CUSTODY AND SUPPORT
- Crime and delinquency, **27:2**
- Custody
 - See CUSTODY AND SUPPORT
- Distribution of powers, **27:1**
- Divorce
 - See DIVORCE
- Jurisdiction of courts, **27:14 to 27:17**
- Marriage
 - See MARRIAGE
- Power over, **27:1 to 27:17**
- Property, **5:8, 15:31, 27:4, 27:9, 27:16**
- Punishment of children, **27:2, 40:9**
- Support of children
 - See CUSTODY AND SUPPORT
- Support of spouse
 - See CUSTODY AND SUPPORT

FARM

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

FEDERAL COURT OF CANADA

- Appeal to Supreme Court of Canada, **8:6**
- Appointment of judges, **7:2, 7:14**
- Constitutional questions, power to decide, **7:11, 7:20**
- Constitutional status, **1:6**
- Crown, suits against, **10:5**
- Establishment, **7:1, 7:11**
- Evidence exclusive jurisdiction to admit, **7:16, 7:20, 10:7, 47:33**
- Independence of judges, **7:14**
- Intergovernmental disputes, **10:1**
- Jurisdiction
 - See FEDERAL JURISDICTION
- Payment of judges, **7:11, 7:14**
- Retirement of judges, **7:11, 7:14**

FEDERAL GOVERNMENT

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

FEDERAL IMMUNITY

- See INTERJURISDICTIONAL
IMMUNITY

FEDERALISM

- Asymmetry
 - See SPECIAL STATUS
- Australia, **5:9 to 5:18, 15:4.50, 15:8, 15:15**
- 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 prov-
inces
 - 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
- Federal grounds of judicial review, **15:4**
- 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, 15:4.50, 15:15**
- Vertical imbalance, **6:1**

FEDERALLY-REGULATED UNDERTAKINGS

- See INTERJURISDICTIONAL
IMMUNITY

FEDERAL PARLIAMENT

- See also PROVINCIAL LEGISLATURE

FEDERAL PARLIAMENT—Cont'd

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, **9:21**
 Provinces, power to bind, **10:21**
 Residuary power
 See RESIDUARY POWER
 Royal assent
 See ROYAL ASSENT

FEDERAL PARLIAMENT—Cont'd

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 programs
 See SHARED-COST PROGRAMS
 Spending power
 See SPENDING POWER
 Tax agreements
 See TAX AGREEMENTS

FINKELSTEIN N.

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

INDEX

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, **33:42**

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

Cannabis

See MARIHUANA

Manufacture and sale, **18:3**

Marihuana

criminalization of, **47:15, 47:25, 47:26, 55:26**

medical use, **47:24, 59:6**

power over, **16:4, 17:7, 18:4, 18:20**

Marijuana

See MARIHUANA

Narcotics

control of, **15:21, 16:4, 17:3, 17:6, 17:7, 18:4, 18:20, 32:1, 47:15, 47:25, 47:26**

denial of bail, **51:18**

religious use, **42:4**

treatment of addiction, **15:21, 18:4, 21:4, 32:1, 47:26**

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**

Arbitrariness, **47:23.50, 47:24**

Automatism as defence, **38:31, 47:21**

FUNDAMENTAL JUSTICE—Cont'd

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**
 Due process
 See DUE PROCESS
 Duress as defence, **47:22**
 Extradition, **37:14, 46:2, 47:15, 51:2**
 Failures of instrumental rationality,
 47:23.50
 Fairness of trial, **27:6, 47:12, 47:32,**
 47:33
 Full answer and defence, **36:23, 40:7,**
 41:3, 47:33 to 47:36, 51:4, 53:3
 Gross disproportionality, **47:23.50, 47:26**
 Intoxication as defence, **36:9, 38:20,**
 38:31, 47:23, 51:13
 Life, liberty, security of the person
 Causal connection, **47:7.50**
 General principles, **47:7.50**
 Liberty, **47:9 to 47:11**
 Life, **47:8**
 Security of the person, **47:12**
 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, **47:23.50, 47:25, 47:27**
 Pre-charge delay, **51:4, 52:6, 52:17**
 Privacy, right to
 See PRIVACY
 Procedural requirements, **40:6, 47:14,**
 47:32 to 47:37, 49:8
 Property not protected, **47:2, 47:13**
 Safety valves, **38:25, 47:7.50, 47:25**
 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, **47:25, 47:27 to 47:29**

FUNDAMENTAL JUSTICE—Cont'd

Wrong laws, **47:30**

GAMBLING

Generally, **14:15, 14:17, 15:7, 18:18,**
18:20, 21:4, 21:17, 33:68, 34:6,
55:49

**GENDER IDENTITY AND
 EXPRESSION**

As analogous ground, **55:26**
 Equality, **39:2, 55:26**
 Notwithstanding clause, **39:2**

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

INDEX

GOVERNMENT—Cont'd

- 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, 9:6, 9:7, 9:14, 9:18 to 9:20
 - prorogues, 9:21
 - summons, 9:3, 9:4, 9:6, 9:21
- Personal prerogatives, 1:9, 9:3, 9:4, 9:16 to 9:24

GOVERNOR GENERAL—Cont'd

- Prime Minister
 - appoints, 1:9, 9:17
 - dismisses, 9:14, 9:15, 9:18
- 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, 28:3, 32:2
- Equalization
 - See EQUALIZATION
- Shared-cost programs
 - See SHARED-COST PROGRAMS
- 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

GROSSLY DISPROPORTIONATE

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

GUNS

- Control, 5:27, 18:13, 18:18, 21:17
- Search for, 41:4, 41:9, 48:21, 48:23, 48:24, 48:27, 49:12, 50:3.80

HABEAS CORPUS

See REMEDIES

HALDANE, LORD

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

HANSARD

See LEGISLATIVE HISTORY

HARBOURS

Generally, 22:12

HATE PROPAGANDA

See EXPRESSION

HEAD OF STATE

See also GOVERNOR GENERAL,
LIEUTENANT GOVERNOR,
QUEEN

Generally, 9:24

HEADS OF POWER

See CLASSES OF SUBJECTS

HEALTH

Assisted human reproduction

See ASSISTED HUMAN
REPRODUCTION

Canada Health Act, 6:7, 6:8, 32:3, 32:4 to
32:6

Compelled treatment, 42:6, 47:24, 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,
47:25, 53:2

Private health care prohibition, 32:6,
47:8, 47:12, 47:24

Provincial power over, 6:8, 18:5, 18:6,
32:1, 32:3

Shared-cost programs

See SHARED-COST PROGRAMS

Tobacco

See FOOD AND DRUGS

HEALTH—Cont'd

Waiting times, 32:6, 47:8, 47:12, 47:24

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

HONOUR OF THE CROWN

See ABORIGINAL RIGHTS, TREATY
RIGHTS

HOSPITALS

See also HEALTH

Charter, application to, 37:8, 37:10

Mandatory retirement in, 55:44

Marine, 32:1

Power over, 6:8, 18:6, 32:1

HOUSE OF COMMONS

See also FEDERAL PARLIAMENT

Candidate right to be

See ELECTIONS

Defeat of government

See DEFEAT OF GOVERNMENT

Description, 9:9

Dissolution

See FEDERAL PARLIAMENT

Duration, 9:6, 9:15, 9:19, 45:7

Employees, management of, 1:7

Money bill

See FEDERAL PARLIAMENT

Reference to Supreme Court, 8:8

Representation by population, 4:14, 4:16,
4:18, 9:6

Vote right to

See ELECTIONS

HOUSE OF LORDS

Precedent in, 2:2, 8:13

Supreme Court of U.K., replacement by,
8:13

Supreme tribunal to settle English law,
2:2, 8:13

HUGHES, CHIEF JUSTICE, C.E.

Judicial review, on, 5:21

INDEX

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, 49:9, 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**

IMPERIAL STATUTE—Cont'd

- 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, 15:14, 15:15, 17:1**

INCOME TAX

- See TAXATION

INCONSISTENCY

- Federal and provincial laws
 - See PARAMOUNTCY
- Same jurisdiction, within
 - See REPEAL

INCORPORATION OF COMPANY

- See COMPANY

INCORPORATION OF LAWS

- See ADOPTION OF LAWS

INDEPENDENCE

- See CANADA, UNITED STATES

INDETERMINACY

- See VAGUE LAW

INDIA

- Directive principles of state policy, **6:6**

INDIANS

- Definition, **33:2, 33:5, 33:51, 37:4**
- Discrimination against, **33:13, 33:90, 55:1, 55:2, 55:34**
- Indian Act, generally, **33:2, 33:10, 33:13, 33:20, 33:33**

INDIANS—Cont'd

- Indian Act, s. 88, **14:14, 33:10, 33:39 to 33:41, 33:46, 33:70**
- Indianness, **33:40, 33:44 to 33:45**
- Lands reserved for the Indians, **1:9, 33:7, 33:17, 33:36, 33:38, 33:39 to 33:43**
- Non-status Indians, **33:2, 33:10, 33:37, 33:43, 33:51, 33:93**
- Power to legislate over, **33:16, 33:36 to 33:38, 33:40, 33:44, 33:53, 33:82**
- Property law, **33:37 to 33:38**
- Provincial laws applicable to, **33:39**
- Retroactive law regarding status, **33:13**
- Status Indians, **27:6, 33:2, 33:10, 33:13, 33:37, 33:51, 33:90, 55:31**
- White paper, 1969, **33:10, 33:13**

INDIGENOUS CONSTITUTIONALISM

- Aboriginal law, distinction between, **1A:1, 33:14**
- Anishinaabe constitutionalism, **1A:6**
- Cree constitutionalism, **1A:7**
- Dakota constitutionalism, **1A:8**
- Generally, **1A:1, 33:4**
- Gitksan constitutionalism, **1A:11**
- Haudenosaunee constitutionalism, **1A:5, 33:6**
- Inuit constitutionalism, **1A:2**
- Métis constitutionalism, **1A:3**
- Mi'kmaq constitutionalism, **1A:4**
- Revitalization, **33:14, 33:49**
- Secwepemc constitutionalism, **1A:10**

INDIGENOUS PEOPLES

- Aboriginal peoples of Canada
 - See ABORIGINAL PEOPLES OF CANADA
- Aboriginal title
 - See ABORIGINAL RIGHTS
- Adoption laws, **27:6**
- Canadian Bill of Rights and, **33:47, 33:89**
- Charter of Rights and, **33:88 to 33:91**
- Child welfare, **33:39 to 33:44**
- Definition, **33:2**
- Discrimination, generally, **33:36, 33:89, 55:39**
- Displacement, of, **33:8 to 33:10, 33:12**
- Education, **33:34, 33:37, 57:1, 57:2**
- Gaming laws, **33:68**
- Heritage property, **15:15, 21:19, 33:40, 33:43**
- Indian Act, s. 88, **14:15, 28:7 to 28:16**

INDIGENOUS PEOPLES—Cont'd

- Indian lands, ownership, **28:3, 29:4**
- Indians discrimination against, **28:2, 55:1, 55:2, 55:34, 55:39**
- Indian Status
 - see INDIANS
- Indigenous difference, **33:29, 33:68, 33:79, 33:89, 33:91**
- Indigenous lands
 - See ABORIGINAL RIGHTS
- Inuit, **1A:2, 33:2, 33:37, 33:82**
- Investment of band money, **55:20, 55:28, 55:34**
- Labour relations, **21:11, 33:40, 33:43**
- Law, of, **33:31 to 33:35**
 - See also INDIGENOUS CONSTITUTIONALISM
- Legislative reconciliation
 - See RECONCILIATION
- Métis, **1A:3, 15:27, 33:2, 33:9 to 33:10, 33:48, 33:51, 33:69, 55:31**
- Natural resources agreements and, **33:42**
- Participation at constitutional conferences, **33:13, 33:47, 33:52, 33:68**
- Prerogative power over reserves, **1:9, 33:38**
- Provincial laws applicable to, **15:19, 15:20, 33:53**
- Reconciliation
 - See RECONCILIATION
- Representation on jury, **51:23**
- Reserve lands
 - See INDIANS
- Rights of
 - See ABORIGINAL RIGHTS
- Treaties affecting
 - See TREATY RIGHTS
- Treaties with
 - See TREATY RIGHTS
- UNDRIP
 - See UNDRIP
- Vote right to, **45:1 to 45:5, 55:34, 55:49**

INDIVIDUAL

- Generally, **37:3**

INDUSTRIAL RELATIONS

- See LABOUR RELATIONS

INDUSTRY

- See BUSINESS

INDEX

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, **10:6, 19:7, 43:33**

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

- See MENTAL DISORDER

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**

INSURANCE—Cont'd

- Reasons for regulation, **21:5**
- Taxation, **31:23**
- Unemployment insurance
 - See UNEMPLOYMENT INSURANCE
- United States, **21:6**

INTENTION OF LEGISLATORS

- Generally, **15:8, 15:30, 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**
- Provincial attempts to regulate, **15:11, 25:7 to 25:9**

INTERGOVERNMENTAL LIAISON

- See COOPERATIVE FEDERALISM

INTERJURISDICTIONAL IMMUNITY

- Aeronautics, **15:18, 22:15**
- Banks, **15:18, 24:6**
- Criticism of, **15:20**
- Crown
 - See CROWN
- Description, **15:4, 15:16 to 15:21**
- Double aspect compared, **15:16**
- Federally-incorporated company, **15:6, 15:17, 23:9**
- Federally-regulated undertaking, **15:6, 15:18, 21:11, 28:4, 29:7**
- Framework for analysis, **15:16**

INTERJURISDICTIONAL IMMUNITY
—Cont'd

Indigenous Peoples, **33:40, 33:44**
 Navigation and shipping, **15:18, 16:3, 22:12, 28:4**
 Order of analysis, **15:4**
 Paramountcy compared, **15:4, 15:16, 15:18, 15:20, 15:21, 16:3, 16:10, 23:9, 25:13**
 Precedent, role of, **15:4, 15:16, 15:18**
 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**
 Distribution of powers grounds, on, **15:14, 15:22 to 15:29**
 English-French discrepancies, **36:24**
 Extension remedy of, **37:13**
 Originalism, **15:27, 48:5, 48:7, 60:5**

INTERPRETATION OF CONSTITUTION—Cont'd

Progressive interpretation, **15:27, 18:2, 23:6, 24:2, 26:3, 33:72, 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**
 Role, **59:13**

INTOXICATION AS DEFENCE

See FUNDAMENTAL JUSTICE

INUIT

See ABORIGINAL PEOPLES OF CANADA, ABORIGINAL RIGHTS, INDIGENOUS PEOPLES

INVALIDATION

See UNCONSTITUTIONAL LAW

INVALID LAW

See UNCONSTITUTIONAL LAW

JEHOVAH'S WITNESSES

Generally, **34:2, 42:6, 47:10, 47:24, 59:14**

JORDAN F.J.E.

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

JOURNALIST

See EXPRESSION

INDEX

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 powers
 See ANCILLARY POWERS
Arbitrariness, **47:23.50, 47:24**
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
 See CLASSIFICATION OF LAWS

JUDICIAL REVIEW OF LEGISLATION

—Cont'd

Colourable law
 See COLOURABLE LAW

Constitutional reference
 See REFERENCE

Declaration of invalidity, **40:3, 40:29, 58:1**

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**

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**

Federal grounds of, **15:4**

Federalism and Charter compared, **15:2, 36:13, 36:26**

Federalism takes priority over Charter, **15:2**

Gross disproportionality, **47:23.50, 47:26**

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, **47:23.50, 47:25**

Paramountcy
 See PARAMOUNTCY

JUDICIAL REVIEW OF LEGISLATION

—Cont'd

Policy element, **5:21, 12:8, 15:5, 15:12, 36:5**

Political question
 See POLITICAL QUESTION

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 to 36:14, 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 OR KING

INDEX

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, **43:3 to 44:8**

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, 28:2**

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

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, 38:30, 38:32, 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**

Indigenous Peoples, of, **27:6, 56:1**

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**

LANGUAGE—Cont'd

- Quebec, in
 - See QUEBEC
- Records and journals, **56:5**
- Rights can be expanded, **56:4**
- Saskatchewan in
 - See SASKATCHEWAN
- Simultaneous enactment in English and French, **56:6**
- Statutes of, **12:10, 36:22, 40:9, 56:4 to 56:9, 56:15**

LASKIN, CHIEF JUSTICE B.

- Appointment, **1:12**
- Canadian Bill of Rights, on, **35:3**
- Characterization, on, **15:4.50**
- 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, 33:33, 33:39 to 33:43, 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**

LEDERMAN W.R.—Cont'd

- 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**

INDEX

LEGISLATIVE POWER—Cont'd

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

Extraterritorial competence

See EXTRATERRITORIAL COMPETENCE

Failure to exercise, effect of, **15:23**

Federal limits

See FEDERALISM, DISTRIBUTION OF POWERS, JUDICIAL REVIEW OF LEGISLATION

Federal Parliament

See FEDERAL PARLIAMENT

Imperial Parliament

See IMPERIAL PARLIAMENT

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

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

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, **29:3, 33:38**

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, **15:30**

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, 47:7.50, 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, **47:7.50, 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**

LIMITATION CLAUSE (s. 1)—Cont'd

- Countervailing rights, 47:3
- 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
- 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, 39:7
- 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, 15:31

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, 36:18, 36:19

LOCAL MATTERS

- Assembly, 21:4, 41:1
- By-laws
 - See DELEGATED LEGISLATION
- Film censorship
 - See EXPRESSION
- Health, 18:6, 21:4, 32:1
- Highway regulation, 21:4
- Legislative power over, 15:26, 21:4
- Local option, 14:15, 55:49
- Municipalities
 - See MUNICIPALITIES
- Residuary character, 15:26, 17:1
- Social assistance, 28:5
- 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, 33:37
- Peace order, and good government, on, 17:6

MACDONALD, SIR JOHN A.

- Confederation, on, 5:3

MAGNA CARTA

- Generally, 34:2

INDEX

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
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
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, **15:5**
 Discussion of, **15:4.50 to 15:13, 36:13, 36:23, 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, 33:13, 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

Burden of proving, **51:14**
 Detention on account of, **18:14, 40:4, 40:9, 47:25, 49:6, 49:8, 49:13, 49:14, 51:13**
 Evidence of
 See EVIDENCE

MENTAL ILLNESS

See MENTAL DISORDER

MÉTIS

See ABORIGINAL PEOPLES OF CANADA, ABORIGINAL RIGHTS, INDIGENOUS PEOPLES

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, **47:25, 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, **33:55**
 Capital, **46:12 to 46:15**
 Corporation not entitled to, **37:4, 46:6, 46:11**

INDEX

MOBILITY—Cont'd

- 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, 31:2, 33:55, 46:7 to 46:10**
- Immigration
 - See IMMIGRATION
- International, **26:1, 26:2, 33:55, 46:2**
- Interprovincial, **26:1, 26:2, 32:4, 46:3**
- Livelihood, **36:14, 46:4, 46:11**
- Passport, right to
 - See PASSPORT
- Persons, **46:1 to 46:6, 46:11**
- Prisoner in foreign gaol, **46:2**
- Services, **46:11**

MONARCHY

- See CROWN HEAD OF STATE,
QUEEN

MONEY BILL

- See FEDERAL PARLIAMENT

MOOT ISSUE

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

MOVEMENT

- See MOBILITY

MOVIES

- See FILMS

MULRONEY, PRIME MINISTER M. BRIAN

- Generally, **4:3**

MULTI-CULTURALISM

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

MUNDELL, D.W.

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

MUNICIPALITIES

- Charter, application to, **37:8, 37:10**
- Duty to consult Indigenous Peoples, **33:82**
- 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**

NATURAL RESOURCES—Cont'd

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, **29:2, 33:39, 33:42**

NATURAL RIGHTS

Generally, **36:18**

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, 28:4**
 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**
 Security of, **15:18, 22:12**

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**

NEW BRUNSWICK—Cont'd

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, 36:5, 36:18**

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**

INDEX

NON-JUSTICIABLE ISSUE

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

NORTHERN IRELAND

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

NORTHWEST TERRITORIES

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

NOTWITHSTANDING CLAUSE

See CHARTER OF RIGHTS

NOVA SCOTIA

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

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**

OFFENCE—Cont'd

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 CAN-
ADA
Upper Canada
See UPPER CANADA

ONUS OF PROOF

See BURDEN OF PROOF

OPTING OUT

See AMENDMENT OF CONSTITU-
TION, CHARTER OF RIGHTS,
SHARED-COST PROGRAMS

ORIGINALISM

See INTERPRETATION OF CONSTI-
TUTION

OVERBROAD LAW

Section 1, **38:20, 38:21**

OVERBROAD LAW—Cont'd

Section 7, **47:23.50, 47:25, 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**

Effect of inconsistency, **15:4, 16:10**

Enlargement by Indian Act, **16:5, 33:26, 33:41**

Express contradiction, **16:3, 16:4, 25:15**

Express extension of, **16:6**

Federal ground of judicial review, as, **15:4**

Federal systems, in, **5:1, 16:1**

Frustration of federal purpose, **16:4**

Indigenous self-government, **33:68**

Interjurisdictional immunity and

See INTERJURISDICTIONAL IMMUNITY

Judicial review under, **5:20, 16:10**

Negative implication, **16:4, 16:5**

Order of analysis, **15:4**

Overlap of laws, **16:7 to 16:9**

Pensions, **16:1**

Permissive rules and, **16:4**

Pre-confederation law, **16:1**

Reversed, **16:1**

Support and custody orders, **27:6 to 27:8, 27:10 to 27:13**

United States, **15:25, 16:1, 16:5**

Validity contrasted, **15:4, 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, **1:7**

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**

INDEX

PEACE ORDER, AND GOOD

GOVERNMENT—Cont'd

Atomic energy, 17:2, 17:3, 17:12, 30:10
Citizenship, 37:4, 46:3
Companies incorporation, 17:2, 23:1
Competition, 17:7
Delegation, 14:7
Deportation, 17:8, 17:12
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, 17:3
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, 17:3, 17:7, 17:12
Greenhouse gases, 17:3 to 17:5.70, 17:12
Health, 18:6, 32:2
Inflation as emergency, 15:26, 17:10, 21:11
Insurance, 17:7
Labour relations
 See LABOUR RELATIONS
Language, 17:2, 56:2
Margarine
 See MARGARINE
Marketing, 17:7
National capital region, 17:3 to 17:5, 17:12, 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, 17:5.30
Radio, 22:16 to 22:18
Rent control, 17:8, 21:8
Residuary character, 12:2, 17:1
Royal assent, 4:16

PEACE ORDER, AND GOOD

GOVERNMENT—Cont'd

Royal style and titles
 See QUEEN
Speech
 See EXPRESSION
Temperance, 17:3, 17:6
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, 15:9, 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, 55:41
Transfer of prisoners, 46:2, 47:9, 50:17
United States, 5:9

PENSIONS

Amendment, 6:7, 14:10, 15:27, 17:7, 28:1, 28:3
Canada Pension Plan, 5:4, 6:7, 28:3
Federal-provincial delegation, 14:10, 28:3
Old age, 4:20, 6:7, 14:10, 15:25, 15:27, 17:7, 28:3
Power over, 15:25, 28:1, 28:3
Quebec Pension Plan, 5:4, 6:7, 28:3
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

PHYSICIAN-ASSISTED DEATH

Generally, **32:2, 47:8, 47:9, 47:12, 47:15, 47:25, 53:2, 55:45**

PICKETING

See EXPRESSION

PIPELINE

Duty to consult, **33:82**
Immunity from provincial law, **15:18**
Power over, **15:18, 22:11, 30:3, 30:8**

PITH AND SUBSTANCE

Generally, **13:5, 13:6, 15:4 to 15:14, 15:20, 15:22, 15:25**

PLAIN VIEW

See SEARCH OR SEIZURE

POLICE

See also CRIMINAL LAW
Arrest
 See ARREST
Caution to suspect, **40:4, 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, 50:6, 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, **19:12**
 provincial policing, **19:10**
 provincial power over, **15:19, 19:10**

POLICE—Cont'd

Royal Canadian Mounted Police—Cont'd
 strike right to, **38:18, 44:5**
 territorial policing, **19:11**
 union, **44:4**
Schools, in, **41:11, 48:8, 48:12, 48:27, 48:35, 57:18**
Search and seizure
 See SEARCH AND SEIZURE
Security guards compared, **37:13**
Sniffer dogs, use of, **41:11, 48:7, 48:8, 48:14, 48:24, 48:27, 48:28, 48:34, 50:3.80, 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**

INDEX

PRECEDENT

See also CASE LAW, COMMON LAW, RES JUDICATA
Constitutional cases, **8:13, 36:18, 36:26, 36:27**
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**
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**
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**
Reserve lands, **1:9, 33:38**

PREROGATIVE POWER—Cont'd

Responsible government
See RESPONSIBLE GOVERNMENT
Rights of subject, over, **1:9**
Royal consent to bill affecting prerogative, **1:9**
Suspending power, **1:9, 34:2**

PRESCRIBED BY LAW (s. 1)

See LIMITATION CLAUSE (s. 1)

PRESS

See EXPRESSION

PREVENTIVE LAW

Generally, **17:11, 18:11, 18:14 to 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**
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, 9:14, 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, 2:8, 2:11**

Crown in right of, liability
See CROWN

History, **1:5, 2:1, 2:2 to 2:4, 2:8, 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 48:13, 48:17**

Employees of
See LABOUR RELATIONS

Liberty element of, **47:10, 47:32 to 47:37**
Litigants of, **43:32**

Search or seizure protection, **48:4 to 48:15**

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, **58:8**

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 CONSTI-
TUTION

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, **15:15, 21:19, 33:43**

Indigenous Peoples, of

See ABORIGINAL RIGHTS

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

Location of

See SITUS

INDEX

PROPERTY—Cont'd

- 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
- 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

PROPERTY AND CIVIL RIGHTS

—Cont'd

- 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

- See SEX WORK

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

PROVINCES—Cont'd

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

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

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

INDEX

PUBLIC PROPERTY—Cont'd

- Expropriation
 - See EXPROPRIATION
- Federal power over, **6:8, 29:2, 29:5**
- Federal property, application of provincial law, **29:2**
- Natural resources agreements
 - See NATURAL RESOURCES AGREEMENTS
- Ownership and legislative power, **29:3, 33:38**
- 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**
- Reserve lands
 - See INDIANS
- Royalties, **29:3, 30:1, 30:16, 31:14, 31:15**
- Taxation of, **29:3, 31:4, 31:16, 31:21 to 31:23**

PUBLIC SERVANTS

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

PUNISHMENT

- See CRIMINAL LAW, CRUEL AND UNUSUAL PUNISHMENT

PURPOSE OF LAW

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

QUEBEC

- Amending procedures, role in
 - See AMENDMENT OF CONSTITUTION
- Amendment, role of
 - See AMENDMENT OF CONSTITUTION
- Bill of rights
 - See QUEBEC CHARTER OF RIGHTS AND FREEDOMS
- Boundaries, **2:7, 2:9**
- Canada East
 - See CANADA EAST
- Charlottetown Accord
 - See CHARLOTTETOWN ACCORD
- Civil law, **2:5 to 2:7, 43:28**
- Confederation, **2:5, 2:6**
- Courts, language in, **56:4, 56:5, 56:9 to 56:13**

QUEBEC—Cont'd

- 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
- 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 programs, 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, 47:24, 56:4

QUEBEC CHARTER OF THE FRENCH LANGUAGE

Generally, 4:19, 56:5, 56:21

QUEBEC PENSION PLAN

Generally, 6:7

QUEEN OR KING

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
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, 4:19, 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, 15:4, 15:16, 15:31, 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

RECONCILIATION

Generally, 33:11, 33:14 to 33:15, 33:23 to 33:24, 33:26, 33:32, 33:36, 33:49, 33:72, 33:79, 33:89, 33:92, 33:94

Justice, reconciliatory, 33:26, 33:76, 33:79, 33:92

Legislative, 33:20, 33:26, 33:68, 33:79

Treaties, 33:15, 33:72

RECONSTRUCTION OF INVALID LAW

See also READING IN, SEVERANCE
Generally, 40:6

INDEX

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**

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

REMEDY—Cont'd

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
 Stay of proceedings, **40:16, 40:17, 52:28, 58:2**
 Suspended, **40:4, 58:1**
 Trial unreasonably delayed, for, **52:28**
 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
 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

INDEX

RESPONSIBLE GOVERNMENT

—Cont'd

- 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, 34:2, 36:5, 36:31, 51:26, 51:31**

RETROSPECTIVE LAW

- See RETROACTIVE LAW

REVENUE

- See FINANCIAL ARRANGEMENTS, SHARED-COST PROGRAMS, 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**

ROADS—Cont'd

- 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, **15:7, 18:19, 18:20, 21:4, 22:11**
- Random stops by police, **48:26, 49:5, 49:6, 49:12, 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, 1A:6, 2:6, 33:7, 33:16,
33:76, 33:91

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

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

Electricity consumption, 48:6

Electronic surveillance, 41:11, 48:16,
48:17

Evidence admissibility, 41:4, 41:8, 41:9

Exigent circumstances, 48:22

Expropriation not seizure, 48:4

Foreign documents, 37:14, 48:20

Garbage, 48:15

Genital swab, 48:23

Government records, 48:11

Home, 48:23

Hospital records, 48:10

Incident to arrest, 48:23

Investigative detention, incident to, 48:24,
49:11, 50:3.80

IP address, 48:12

Lack of legal authorization, 48:34

Law office, of, 48:31

Persons, of, 48:4, 48:21, 48:23, 49:1

Plain view, 48:3, 48:14, 49:12

Pornography, 48:12

INDEX

SEARCH OR SEIZURE—Cont'd

- 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, 50:3.80, 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, 49:5 to 49:7, 49:12
- Warrant, quashing, 40:17
- Warrant, requirement of, 40:6, 48:3, 48:21 to 48:35
- Warrant, sealing order, 43:32
- Wiretap
 - See electronic surveillance
- Writ of assistance, 41:11, 48:3, 48:33

SECESSION

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

SECURITIES REGULATION

- Cooperative, 5:27, 20:4, 21:16
- National, 20:4, 21:16
- Paramountcy, 16:3, 16:5, 16:7
- Power over, 15:7, 15:15, 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, 47:7.50, 47:12

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, 9:10, 12:10, 14:9
- Age qualification, 9:10, 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
- Consultative elections, 4:14, 9:10
- Defeat of government in, 9:7, 9:10
- Description, 9:10
- Money bill
 - See FEDERAL PARLIAMENT
- Powers, 9:10
- Privileges, 7:11
- Property qualifications, 4:18, 9:10
- Reference to Supreme Court, 8:8
- Reform, 4:14, 4:22, 9:10
- Representation by region, 2:7, 5:6, 9:10
- Retirement, 9:10, 55:33
- Roles, 9:10
- 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, 15:30, 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

SEX WORK

Bawdy house, 47:12, 47:26

Charter protection, 43:9, 43:13, 43:25, 47:12, 47:25, 47:26, 47:27 to 48:29, 60:8

Living on avails, 40:4, 47:12, 47:25, 47:26, 51:14

Power to regulate, 18:20, 40:4

Standing to sue, 59:5

SHARED-COST PROGRAMS

Canada Assistance Plan

See CANADA ASSISTANCE PLAN

Canada Health Act

See HEALTH

Canada Health and Social Transfer

See CANADA HEALTH AND SOCIAL TRANSFER

Canada Pension Plan

See CANADA PENSION PLAN

Conditional grant as contribution, 6:5, 6:7, 6:8

Description, 6:7, 6:8, 6:10

Education, 6:5, 6:7, 6:10

Financial arrangements

See FINANCIAL ARRANGEMENTS

Health services, 6:5, 6:7, 6:8, 6:10, 17:7, 18:6

SHARED-COST PROGRAMS—Cont'd

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, 31:23, 33:29, 33:39, 33:43 to 33:44

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

INDEX

SOCIAL SECURITY

See HEALTH, PENSIONS, SHARED-COST PROGRAMS, 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**

Description, **6:8, 29:3**

Education, **57:4**

Extraterritorial capacity, **13:8**

Grants

See GRANTS

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

Income support, **28:1, 28:3, 28:5**

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

Shared-cost programs

See SHARED-COST PROGRAMS

Taxation compared, **28:3, 28:5**

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

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 CON-
 STITUTION
 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
 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 INTERJURISDICTIONAL
 IMMUNITY

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

See PHYSICIAN-ASSISTED DEATH

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

SUPPORT

See CUSTODY AND SUPPORT

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 CONSTITU-
 TION
 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**

INDEX

SUPREME COURT OF CANADA

—Cont'd

- 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 PROGRAMS
- 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**

TAXATION—Cont'd

- 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, 28:2, 31:16**
- 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**
- 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**

TAXATION—Cont'd

- 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**

TELEVISION—Cont'd

- Closed-circuit, **22:20**
- Content regulation, **22:18, 22:20, 43:4**
- Local broadcasting, **22:20**
- Local programs, **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**
- Rupert's Land
 - See RUPERT'S LAND
- Yukon Territory
 - See YUKON TERRITORY

TESTIMONY

- See EVIDENCE

THEATRE

- Generally, **22:24**

TOBACCO

- See FOOD AND DRUGS

INDEX

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, **18:11, 20:4**
- Maritime law, **16:3, 22:12, 28:4**
- 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**
- 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

TRADE AND COMMERCE—Cont'd

- 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, **15:15, 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
- 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**

**TRANSPORTATION AND
COMMUNICATION—Cont'd**

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**

TREATY—Cont'd

Indigenous Peoples
See TREATY RIGHTS
Internal law, effect on, **11:6, 33:39**
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**

TREATY RIGHTS

Aboriginal peoples of Canada
See ABORIGINAL PEOPLES OF CANADA
Aboriginal rights
See ABORIGINAL RIGHTS
Consultation on, **33:81 to 33:85**
Covenant chain, **1A:5, 33:6, 33:14**
Definition of, **33:71**
Extinguishment of, **33:52, 33:74**
Historical, **33:6, 33:15, 33:72**
Honour of the Crown, **33:78 to 33:81, 33:84, 33:96**
Indigenous Peoples
See INDIGENOUS PEOPLES
Indigenous perspective, **33:72, 33:92**
Infringement of, **33:74, 33:84**
Interpretation of, **33:72**
Jurisdiction under, **33:34**
Modern land claims agreements, **33:12, 33:15, 33:20, 33:34, 33:52, 33:70, 33:72, 33:84**
Negotiation, **33:79**
Numbered, **1A:8, 33:9, 33:42, 33:70, 33:74**
Peace and friendship, **33:6, 33:9, 33:36, 33:70 to 33:72, 33:77**
Promises, fulfilment of, **33:80**
Reconciliation
See RECONCILIATION

INDEX

TREATY RIGHTS—Cont'd

- Religion, **33:6, 33:71**
- Remedies for breach of, **33:92, 33:94 to 33:96**
- Royal Proclamation
 - See ROYAL PROCLAMATION, 1763
- Solemnization, **33:15, 33:71**
- Taking up clause, **33:74, 33:84**
- UNDRIP
 - See UNDRIP
- Wampum, **1A:5, 33:7, 33:15, 33:16**

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**
- 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 52:28**
- Testimony behind veil, **36:23, 42:6**
- Waiver of delay, **36:23, 37:16, 37:21, 52:9, 52:19**
- 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**

TRUST COMPANY—Cont'd

- 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, 15:4, 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
- Invalidation, **40:1 to 40:10**
- Judicial review
 - See JUDICIAL REVIEW OF LEGISLATION
- Reading down
 - See READING DOWN
- Reading in
 - See READING IN
- Severance
 - See SEVERANCE
- Suspended invalidation, **36:10, 40:1, 40:4, 40:6, 40:9, 58:1, 58:8**

UNDERTAKING

- See TRANSPORTATION AND COMMUNICATION

UNDRIP

- Aboriginal rights, and, **33:57**
- Aboriginal title, and, **33:67**
- Collective rights, **33:29, 33:88 to 33:89**
- Duty to consult, and, **33:87**
- Generally, **33:22 to 33:23**
- Implementation of, **33:20, 33:23 to 33:24**
- Indigenous difference, and, **33:88**
- Legislative reconciliation
 - See RECONCILIATION
- Self-government, and, **33:28, 33:68, 33:90**
- Self-identification, **33:2**
- Treaties and, **33:12, 33:75**

UNEMPLOYMENT INSURANCE

- Age-65 bar, **40:5, 55:44**
- Delegation of power over, **14:10**
- History of power, **28:2**

UNEMPLOYMENT INSURANCE

—Cont'd

- Job-creation measures, **28:2**
- Maternity benefits, **15:27**
- Power over, **4:20, 14:10, 17:1, 17:7, 21:6, 21:10, 28:1, 28:2**
- Premiums as taxes, **14:5, 28:2, 31:16**

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 NATIONS

- Generally, **3:1**
- Declaration on the Rights of Indigenous Peoples
 - see UNDRIP

UNITED PROVINCE OF CANADA

- Generally, **2:6, 2:7, 5:3, 9:2**

UNITED STATES

- Amendment of constitution, **4:5**
- Ancillary powers, **15:15**
- 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, **15:4.50, 15:15, 15:23, 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**
- 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**

INDEX

UNITED STATES—Cont'd

Motion to suppress evidence, **40:17**
National securities regulator, **20:4**
Obscenity, **43:29**
Offshore jurisdiction, **30:11, 30:14**
Overbreadth, **47:23.50, 47:25**
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, 15:15, 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, **15:30**
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, **28:3, 31:6, 31:27**
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**
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, **15:16, 15:18**

VOTE

See ELECTIONS

WAGE AND PRICE CONTROL

See PEACE, ORDER, AND GOOD GOVERNMENT

WAIVER

Contract by, **37:24**
Delay in trial, of, **37:16, 37:21, 52:9**
Expression, **37:24**
Forfeiture distinguished, **37:15, 37:17, 37:22**
Mandatory retirement, **37:24**
Paramountcy of, **14:17, 16:6**

WAIVER—Cont'd

- 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, 47:31**
- 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**
- Continental shelf
 - See CONTINENTAL SHELF
- Fisheries
 - See FISHERIES

WATER—Cont'd

- 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, 28:5**
- Powers over, **28:5**
- Workfare, **28:5, 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**

INDEX

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, **28:4, 55:45**

Federal delegation to provinces, **14:12 to 14:14, 28:4**

Jurisdiction over, **28:4**

Maritime law and, **16:4, 22:12, 28:4**

Railway and, **15:20, 28:4**

WORKS

See also **TRANSPORTATION AND COMMUNICATION**

Defined, **22:2, 22:10**

For the general advantage of Canada

See **DECLARATORY POWER**

WORKS—Cont'd

Local

See **LOCAL WORKS**

WRIT OF ASSISTANCE

See **SEARCH OR SEIZURE**

YOUNG OFFENDERS

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

ZONING

See **PROPERTY**

