

Introduction

Electronic searching for words or phrases judicially considered does not usually work. One finds all the time that judges themselves used the word or phrase; few of those are the judge's consideration of someone else's use of it.

Here are eight ways that one can use this Words and Phrases book:

1. Explain a word or phrase
2. Get examples of use of a word or phrase, or its limits
3. Find discussion of relevant other passages in the same Act, contract, or insurance policy; or other relevant Acts, contracts or policies
4. Find cases on one topic, e.g. in constitutional law
5. Find the name or cites of a half-remembered case
6. Learn common dangers of drafting and how to write more clearly to avoid unfavorable or unintended interpretations
7. Find the most powerful authorities for court.
8. Find parallel cites or further appeals for a case.

This book has taken over 40 years to write; I began the work when I was clerking at the Supreme Court of Canada in the spring of 1968. These are the steps which I used:

1. Compiled a list of all Supreme Court of Canada decisions not reported in the SCR's.
2. Found all Privy Council decisions from earliest times to 1949, reported elsewhere than in the AC's or LR IA's.
3. Listed all Canadian appeals to the Privy Council after 1949.
4. Looked at each decision in the SCR's, each JCPC decision in the AC's or LR IA's, and each decision in categories #1-3.
5. If the decision seemed to interpret a word or phrase, noted it on a slip of paper.
6. If it was a phrase, made cross-reference slips for all significant words and subphrases in it.
7. Went back and checked the accuracy of each slip, noting the precise page or paragraph numbers in some cases. Eliminated duplication and inappropriate cases.
8. Looked through most volumes of the LJPC's and some of the LJP's for more Privy Council cases and noted ones not yet found.
9. Constantly reviewed newer Supreme Court of Canada cases and any others stumbled across (over 40 years), and made slips and cross-references for them.
10. Found and noted parallel cites and subsequent history (e.g. Privy Council denied leave) for each slip (case). Updated for new cases.
11. Went back and noted the precise definition which the court gave, on each slip.
12. Researched a few more topics to increase the coverage, and put each additional case found through most of the above steps.

Finding the law in Canada is becoming extremely difficult. While cursing the dark, I tried to light one small candle.

J.E.C.