

Update on the Reissue Program

We would like to provide a progress report on the status of the Abridgment Reissue Program. In September subscribers received five volumes, covering the subjects of Aboriginal law, Administrative Law and Constitutional law. In December, seventeen further volumes, covering the Civil Practice and Procedure title are scheduled to be delivered. The regular reissue of main work volumes is an important part of Carswell’s case digest supplementation program. There are two main advantages to the reissue program. They include:

- Substantially reducing the total page count of the annual supplement, thus keeping the supplement a manageable size and cost.
- Organizing material in a title to suit the needs of today’s researchers and reflecting changes in relevant areas of the law.

All of the subject titles reissued this year have been revised to aid researchers.

Aboriginal law: This title reflects several changes in terminology to accord with current standards of acceptable usage. For example, the term Aboriginal is no longer used as a noun and is now capitalized. The term “Status Indian” is used rather than “Treaty Indian” unless the latter is specifically intended. The classification regarding status has been revised from “Statutory Aboriginal Status” to “Status Under Legislation”. Overall, classifications have been revised to reflect the current state of the law, including the Liquor Offences classification which has been simplified.

Administrative law, Constitutional law, and Civil practice and procedure: In order to ensure that you can find all relevant decisions in these areas in a single place, editors have reviewed classifications distributed throughout other titles in the Abridgment dealing with administrative law principles, constitutional/Charter provisions and civil procedure issues. Any digests that the editors found would be helpful generally outside the specific subject title by which they are currently classified, have been duplicated in these more general titles.

In this way, we have added 4000 digests to each of the **Administrative law** and **Constitutional law** titles, and we will be adding approximately 12,000 new digests to the **Civil practice and procedure** title. We trust that research using the Abridgment in these areas will be much simpler than it has been previously.

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- Integrating the various Abridgment components
- Maximizing your research strategies
- Learning more about our upcoming publications

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The Canadian Abridgment BULLETIN

The Bulletin is published quarterly and is free of charge. If you would like a copy call us:

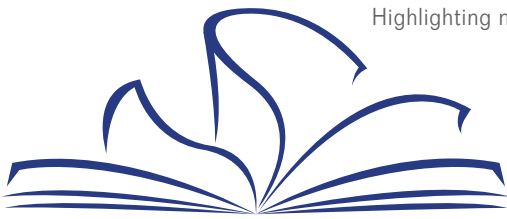
Toronto **(416) 298-5140**

Outside Toronto **1-800-463-4106**

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Distribution:	CUSTOMER RELATIONS Toronto (416) 609-3800 Elsewhere in Canada/U.S. 1-800-387-5164
Published by:	One Corporate Plaza, 2075 Kennedy Road Toronto, Ontario M1T 3V4

The Canadian Abridgment BULLETIN

November 2008 – Issue 47



Highlighting new developments and providing research tips for users of the Canadian Abridgment

Words & Phrases Service Added to LawSource

FROM THE PUBLISHER

*In this issue of the Bulletin, we introduce and provide tips for using a major new enhancement to LawSource. **Words & Phrases** is the last major component of The Canadian Abridgment to be integrated into WestlaweCarswell. It provides judicial interpretations of statutory and common law terms from the 1800’s to the present.*

*We also update you on the progress and the aims of the 2008 Abridgment Reissue program, including the **Aboriginal law, Administrative Law** and **Constitutional law** volumes that were delivered in September, as well as the forthcoming **Civil practice and procedure** reissues*

I welcome any comments or suggestions that you may have concerning The Canadian Abridgment.

Rachel Francis, B.A. (Hon.), LL.B.
Director, Legal Strategic Market Group

Rachel Francis

In September, we launched a major new enhancement to **LawSource** which enables users to find judicial interpretations of words and phrases. This article provides an introduction to using the service on WestlaweCARSWELL, and also provides tips on how to get the most out of your Words & Phrases searches.

Words & Phrases Judicially Defined in Canadian Courts and Tribunals, a multi-volume collection published in print since 1993, is the last major component of The Canadian Abridgment to be integrated into

WestlaweCARSWELL. It provides judicial interpretations of both statutory and common law terms from the 1800’s to the present. At launch, the service includes approximately 70,000 Canadian interpretations of 30,000 terms, making it by far the largest service of its kind available in Canada in any medium. **Words & Phrases** will be included as part of the **LawSource** subscription. Users who don’t subscribe to **LawSource** will be able to access **Words & Phrases** on a pay-per-view basis.

continued on page 2

In this issue...

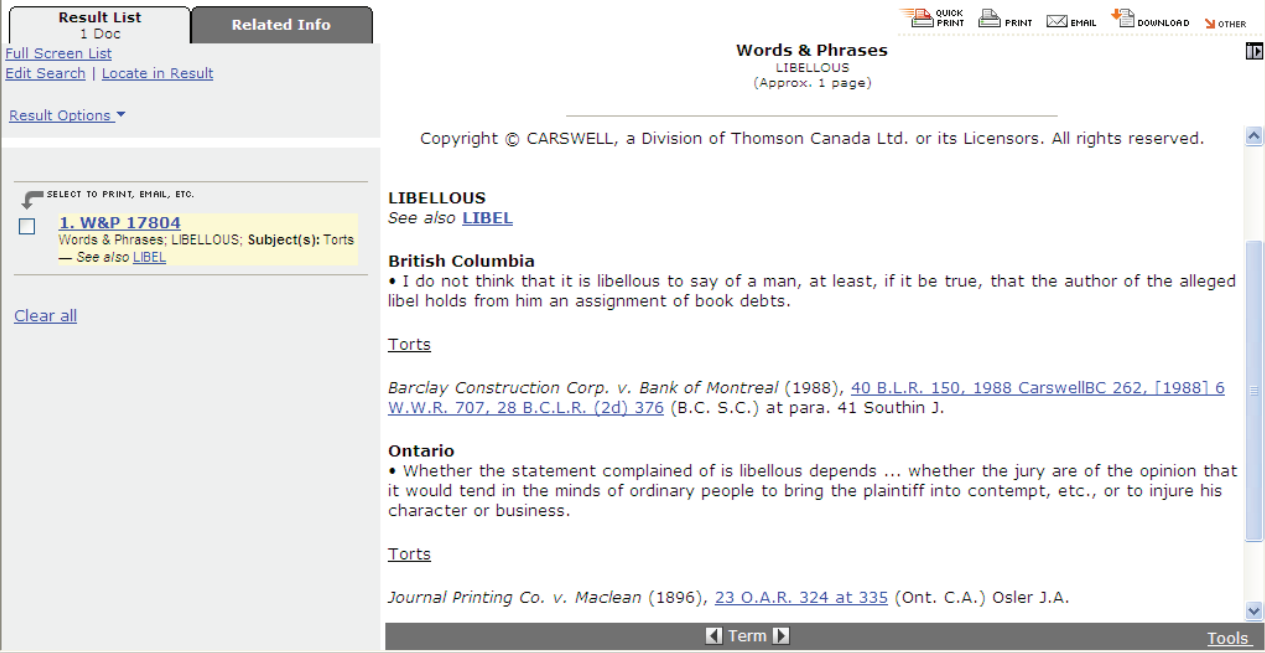
- **Words & Phrases Service Added to LawSource** 1
- **Using Words & Phrases** 2-4
- **Some Tips for Finding the Words or Phrases you Want.** 5
- **Searching for more than One Word.** 5
- **Update on the Reissue Program.** 8

Don't forget... you can now reach the Abridgment Helpline by e-mail at: **Carswell.Abridgment@thomson.com**

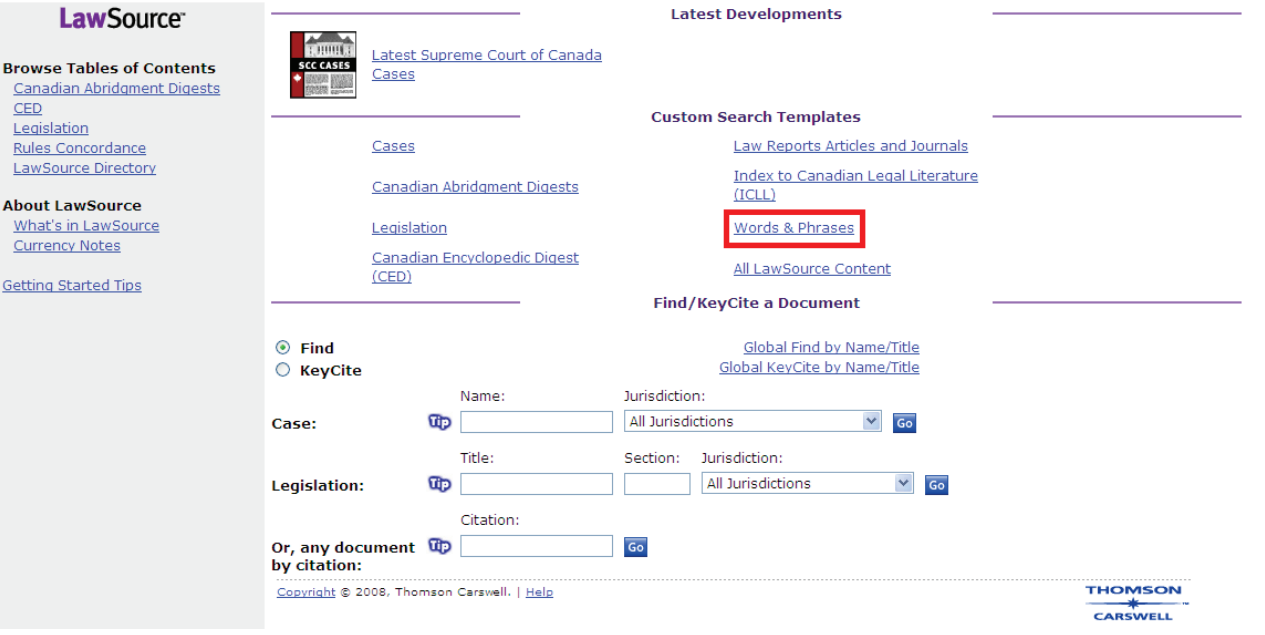
Using Words & Phrases:

All interpretations of a word or phrase appear in a single document, making it easy to browse through several interpretations at one time. (Cross-references appear both in the Result List and on each document to link you to related entries).

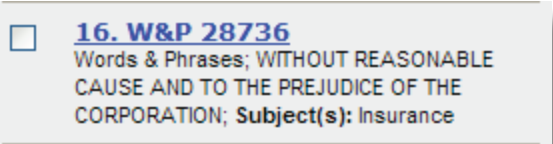
Interpretations are organized within the Words & Phrases entry by jurisdiction. Each interpretation contains: the relevant passage from the decision; the subject area; the name, citation, court level and judge(s) of the decision:



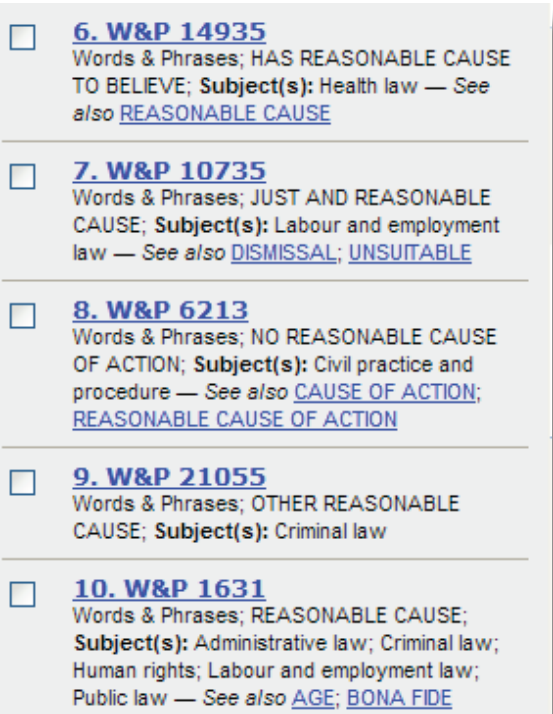
The Words & Phrases custom search template is accessible by clicking on a link (as seen below) from the LawSource home page:



To help determine which phrases in your result list might be relevant to your search, you should note that the subject matter of the interpretation(s) appears in the result list:



To help navigate the result list, note that result lists are arranged in alphabetical order, so you can skim quickly to the term you searched.



2. **Limit Results by Jurisdiction; Limit Results by Timeframe:** You can limit your search to entries containing interpretations for a particular jurisdiction. Note: if you limit your results, for example, to Alberta, you will retrieve documents that have at least one interpretation made in an Alberta decision. You can also limit your search by timeframe. Note: if you limit your results, for example, to the most recent three years, you will retrieve documents that have at least one interpretation made within the last three years.
3. **Legislative Definitions:** The content set searched by this template contains judicial interpretations only. To find how terms are defined in Canadian legislation, follow the link to the **Legislation** template and enter your term in the **Defined Term** box.
4. Click on **GO** button next to the **Word/Phrase** box.

Words and phrases interpreted in a decision appear within the KeyCite*Canada* citing references for that decision. By clicking on a **Words & Phrases** entry, you can find interpretations of those words or phrases in other cases:

Key Cite Canada Entries for Words and Phrases

Result List
1 Doc

Related Info

Full Screen List

Find citation:

H Direct history available

[Full History](#)
[Direct History \(Graphical View\)](#)
[Citing References](#)
[Monitor With KeyCite Alert](#)

[Full-Text Document](#)

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[Abridgment Digests](#)

KeyCiteCanada

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H

France (Republic) v. DeHavilland Aircraft of Canada Ltd.
1991 CarswellOnt 366
Ontario Court of Appeal, 1991

Referred to in

H 24

Daimlerchrysler Corp. v Liberty Motor Co., 2007 CarswellOnt 6873, 54 C.P.C. (6th) 318 (Ont. S.C.J. [Commercial] Aug 30, 2007)

25

Presbyterian Church of Sudan v Taylor, 256 D.L.R. (4th) 750, 2005 CarswellOnt 3331, [2005] O.J. No. 3212, 14 C.P.C. (6th) 163 (Ont. S.C.J. Jul 29, 2005)

C 26

CSI Wireless LLC v Harris Canada Inc., 342 A.R. 57, 2003 CarswellAlta 1068, 2003 ABQB 610, [2003] A.W.L.D. 397, 38 C.P.C. (5th) 321, 31 Alta. L.R. (4th) 266 (Alta. Q.B. Jul 14, 2003)

C 27

Four Seasons Hotels Ltd. v Legacy Hotels Real Estate Investment Trust, 2003 CarswellOnt 1188, 36 C.P.C. (5th) 138, [2003] O.J. No. 1341, [2003] O.T.C. 272 (Ont. S.C.J. Apr 04, 2003)

C 28

United Kingdom v. Hrynyk, 135 D.L.R. (4th) 693, 107 C.C.C. (3d) 104, 1996 CarswellOnt 1986, 4 O.T.C. 268 (Ont. Gen. Div. May 28, 1996)

Words & Phrases (Canada)

29

COURT OF COMPETENT JURISDICTION; **Subject(s):** Administrative law; Bankruptcy and insolvency; Business associations; Civil practice and procedure; Constitutional law; Criminal law; Human rights; Immigration and citizenship; Judges and courts; Labour and employment law; Tax

30

CANADIAN SOVEREIGNTY; **Subject(s):** Civil practice and procedure; Conflict of laws; Evidence

31

COURT OR TRIBUNAL OF COMPETENT JURISDICTION; **Subject(s):** Administrative law; Evidence; Judges and courts

32

CRIMINAL MATTER; **Subject(s):** Civil practice and procedure; Criminal law; Evidence

Secondary Sources (Canada)

33

Cournoyer et Ouimet Code criminel annoteJurisprud LPC 46, JURISPRUDENCE

34

Crankshaw's Criminal Code of Canada CEA 46sect1, CEA 46s 1 Assistance to other courts

35

Dimock: Intellectual Property Disputes: Resolutions and Remedies 10, Litigation Process

Limit KeyCite Display

Some Tips for Finding the Words or Phrases you Want

The **Word/Phrase** field (called the **Title field** in the Terms & Connectors template) is the primary search box for **Words & Phrases**. It will only retrieve documents that have your query terms in the word or phrase being interpreted.

LawSource

Browse Tables of Contents

[Canadian Abridgment Digests](#)
[CED](#)
[Legislation](#)
[Rules Concordance](#)
[LawSource Directory](#)

About LawSource
[What's in LawSource](#)
[Currency Notes](#)
[Getting Started Tips](#)

Terms and Connectors Search

Search Words & Phrases

1 Enter your search terms:

Search the following fields:

Word/Phrase:

Case Name: Case Citation:

Abridgment Subject Title: Judge/Decider:

Search full text for:

The results must contain:

To find out how a word or phrase has been defined in Canadian legislation, enter the word or phrase in the "Defined Term" box on the [Legislation search template](#).

2 Limit Results (optional)

By Jurisdiction:

By Timeframe:

All Jurisdictions
Alberta
British Columbia
Federal

Unrestricted
Most recent 30 days
Most recent 60 days
Most recent 90 days

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Searching for more than one word:

- 1) If you enter more than one word, separated by a space, your search will retrieve documents for any phrase that contains **all** of the words you entered, whether they appear together or not.
- 2) When you wish to specify an exact phrase, use quotes. E.g. **“reasonable cause”**.
- 3) When you wish to find entries that contain **any** of the words you enter, insert the connector **or** between the words or phrases. E.g. **reasonable or probable** will search for any word or phrase that contains either or both of these words. Note that you can also search for alternate phrases in this way: e.g. **“reasonable cause” or “probable cause”** will retrieve any entry that contains either of those phrases. (N.B. If you are searching for a phrase that contains the word **OR**, you must enter the phrase in quotes, e.g. **“acquired by one or both spouses”**.)
- 4) You can do more complicated Boolean searches using this query box: you do not have to use the Terms & Connectors template: E.g. **(reasonable or probable) /3 cause** will retrieve all phrases that have either the word **“reasonable”** or **“probable”** appearing within 3 words of the word **“cause”**.

4

5

Other Searching Tips:

1) Don’t needlessly restrict your search by using quotes when you don’t have to.

It is often disadvantageous to use quotes because doing so may weed out relevant results.

Thus a search for **reasonable cause** (= **reasonable & cause**) retrieves entries for:

- reasonable and probable cause
- reasonable and proper cause
- absence of reasonable and probable cause
- without reasonable or probable cause

all of which are likely to be relevant to your research. A search for “**reasonable cause**” does not include the above phrases.

2) Don’t needlessly restrict your search by entering too many terms.

It often pays to think which word in a phrase is most important and search only that term. Say you wish to know what an insurance contract means by the phrase “**loss of amenities of life**” If your key concern is what “**amenities**” means in this context, you may be better off searching for the term “**amenities**” rather than the whole phrase. By doing so, you would also find entries for “**loss of amenities**” and **amenities**.

3) Use the Result List to find all relevant entries.

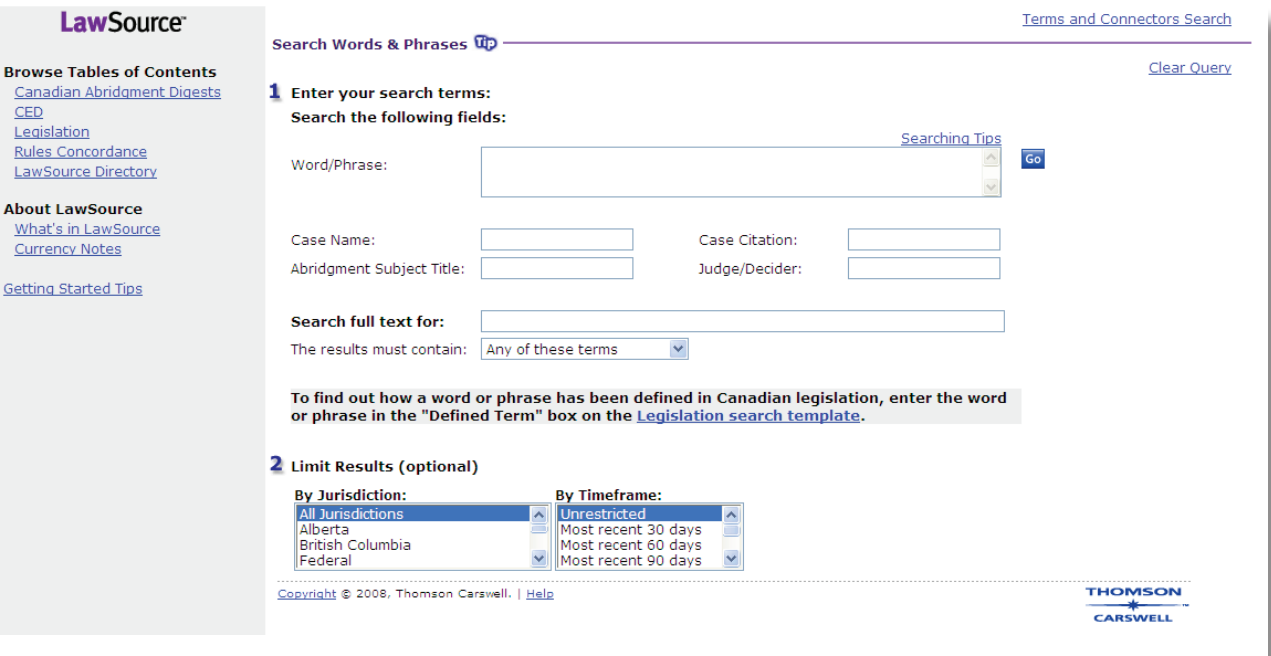
Note that when you enter a word or phrase in the template you will retrieve all entries that have your word or phrase imbedded in them. The capability of retrieving every phrase that contains the term(s) you searched for is in fact one of the main advantages of using this resource online rather than in print. For example if you searched for “**reasonable cause**” in print, you would see only entries adjacent to that entry:

- reasonable cause of action
- reasonable cause to believe
- reasonable cause to terminate

But by searching online you would also find in your result list entries for:

- discloses no reasonable cause of action or answer
- discrimination without reasonable cause
- dismissal for sufficient and reasonable cause
- has reasonable cause to believe
- just and reasonable cause
- no reasonable cause of action
- other reasonable cause
- unless reasonable cause exists
- without reasonable cause and to the prejudice of the corporation

The search template is designed to ensure that you retrieve all the entries that you need:



- Enter your search terms in one or more of the following fields. You can also use connectors between search terms in your query.
Word/Phrase: This is the primary search box for **Words & Phrases**. If you want to retrieve interpretations of a particular word or phrase, or interpretations of any phrase containing particular terms, enter the term(s) in this box. If you enter more than one word, your search will retrieve documents for any word or phrase that contains all of the words you entered. When you wish to specify an exact phrase, use quotes. E.g. “**general charitable intention**” or “**cy-près**”.
Case Name: Search for all or part of the name of a case that has interpreted a word or phrase. E.g. **Bobier Clay**.
Case Citation: Search for all or part of the citation of a case that has interpreted a word or phrase. N.B. **Words & Phrases** entries often contain several case citations. Therefore, it is best to put quotation marks around the citation. E.g. “**1964 CarswellSask 26**”.
Abridgment Subject Title: Search only for entries that contain interpretations in a particular subject area. (The subject terms in this field have been updated to match the Subject Titles of The Canadian Abridgment Third Edition. E.g. **Torts**)
Judge/Decider: Search only for entries that contain interpretations by a particular judge or other adjudicator. E.g. **Sopinka**
Search full text for: Search for text that appears *anywhere* in a **Words & Phrases** entry. (If you want to retrieve interpretations of a particular word or phrase, or interpretations of any phrase containing particular terms, you should use the Title field (see above), rather than this field to avoid retrieving a large number of irrelevant documents.