

McGill Legal Citation Usage Guide

for
the `lawcite` BIBLATEX style

Abstract

This is the instruction manual for using the (`lawcite`) BIBLATEX format to produce McGill-style legal citations.

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1 Getting Ready

1.1 What you will need

1.2 Installing the files

Place the lawcite Biblatex definition files (lawcite.dbx, lawcite.bbx, lawcite.cbx, english-lawcite.lbx), and an index style file for SplitIndex to use (e.g., plain.ist), in a location where T_EX can find them, for example, in the current folder.

McGill-style is activated via option settings when calling the Biblatex package.

```
\usepackage[  
style=lawcite,  
lawcitestyle=mcgill,  
use-toc-parnumrefs=false,  
...  
{biblatex}
```

Settings used by lawcite may be changed inside the document, as well.

1.3 The Workflow

To compile a file *foo.tex*, do:

- xelatex/lualatex/pdflatex
- biber (collect bibliographic data)
- xelatex/lualatex/pdflatex (resolve citations, insert Table of Contents, Bibliography; page numbers change)

- `splitindex` (create the ToC etc files)


```
splitindex foo -- -s plain.ist -c
```
- `xelatex/lualatex/pdflatex` (Table of Cases is inserted; page numbers change)
- `splitindex` (pick up the new page numbers)
- `xelatex/lualatex/pdflatex` (refresh the ToC, and any cross-references)

The index style file (for the Table of Cases, etc), is a plain dot-fill style:

```
delim_0 "\\space\\dotfill\\space "\\hss
delim_1 "\\space\\dotfill\\space "\\hss
delim_2 "\\space\\dotfill\\space "\\hss
delim_n ", "
delim_r "--"
delim_t ""
encap_prefix ""
encap_suffix ""
```

2 How **lawcite** works

2.1 McGill settings

For a behind-the-scenes look, in terms of on/off switches (that is, where there is a typographical choice), the McGill style is defined as follows: party names are italic, party separator (the “v”) is also italic, and not dotted, main citation method is footnoting, square brackets are not used for the year component of medium neutral citations, and so on...

```
\newcommand\lcsetstylemcgill{%
  \togglefalse{partysepdotted}
  \toggletrue{partysepitalic}
  \toggletrue{partynamesitalic}
  \setcounter{reftypemode}{3}
  \togglefalse{mncbrackets}
  \toggletrue{stattycomma}%after the title
```

```

\togglefalse{stattyitalic}
\togglefalse{statjurisdiction}
% \toggletrue{statutecomma}%after the title
\toggletrue{commainindex}
\toggletrue{multicitecomma}
\toggletrue{casenamecomma}
\renewcommand\postnotedelim{\ }
\togglefalse{ljartrtitleitalic}
\toggletrue{ljjnltitleitalic}
}

```

Other components of style depend on data input and/or user choice (the decision year if different to the reporting year); or ‘fixed’, in the sense that there is only one layout (like using “/” for some provincial regulation formats to separate regulation number and year, or year and regulation number). Coding can be done to the n^{th} degree, but, at some point, practicality switches on.

2.2 The Data

2.3 The Data Model

2.4 The Option Settings

2.5 Changing Settings

2.6 Bibentries

2.7 Citations

2.8 Bibliographies

Table of Cases

→ References are to page numbers.

→ ‘Duplicated’ entries are intentional.

Alliance of Canadian Cinema Television and Radio Artists v Canadian Broadcasting Corporation, 91 CLLC 16	16
Anderson v Fawthrop, 2018 ABPC 226	26
Arbia c Brousseau, 2020 QCCA 1073	9
Betts v Norris, 120 NBR (2d) 384	24
Case Concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America), [1986] ICJ Rep No 14	16
CIBC Mortgages Inc v Dima Estate, 2019 NSSC 61	26
Clarke Institute of Psychiatry v Ontario Nurses’ Assn (Adusei Grievance), 95 LAC (4th) 154	16
Clearbrook Ironworks Ltd v Letourneau, 2006 FCA 42	16
Criminal Code, RSC 1985, c C-46,	23
Criminal Code, RSC 1985, c C-46, ,	23
Fucella v Ricker, 35 OR (2d) 423	10
Graham v R, [1978] 6 WWR 48, 90 DLR (3d) 223	11
Hopp v Lepp, [1980] 2 SCR 192	9
Jimenez v Romeo, 2009 CanLII 68472	25
Kristel Homes Ltd v Edmonton (City of), 2001 ABCA 317	25
Kybich v Mangus, [1919] 3 WWR 532	25
Litz v Litz, 180 WAC 116	24
Ludmer v Ludmer, 2012 ONSC 5738	24, 26
Massachusetts v Environmental Protection Agency, (2007) 549 US 497, 127 S Ct 1438	16
McLean v Pilon, 1978 CanLII 237, 7 BCLR 99	14, 15

McLean v Pilon, 7 BCLR 99	13, 14, 24
R v Cole, 2012 SCC 53	9, 12–14, 24
R v Crete, Ottawa 97/03674	16
R v Syncrude Canada Ltd, 2010 ABPC 154, 2010 CarswellAlta 981 .	16
Re Sarg Oils Ltd, 2011 ABERCB 32	16
Saskatoon (City) v Wal-Mart Canada Corp, 2019 SKCA 3; [2019] 3 WWR 284	16, 24
Seib Estate, 2012 ABQB 126	25
Sheen v Sheen, 2003 MBCA 93	24, 26
Swiss Bank Corp v Air Canada, [1988] 1 FC 71	10
Tiesmaki v Wilson, 23 DLR (3d) 179	24
Tulk v Moxhay, [1848] 1 H & Tw 105	16
VDN Cable Inc, on behalf of a corporation to be incorporated, Toronto, Ontario, 2005-1, online: CRTC < www.crtc.gc.ca > [perma.cc/LF5P- 5MM3]	16

Table of Statutes

→ References are to page numbers.

Criminal Code, RSC 1985, c C-46	19, 27
Fair Trading Act, RSA 2000, c F-2	17, 27
Family Law Act, SA 2003, c F-4.5	17, 27
Law of Property Act, 1969 (UK)	18
Safe Drinking Water Act, 42 USC §300f (1974)	18
Territorial Lands Act, RSC 1985, c T-7	17, 27

Table of Regulations

→ References are to page numbers.

Alberta Forest Land Use and Management Regulations, Alta Reg 197/1976	
19, 27	
Alta Reg 62/2009	20, 27
BC Reg 278/2008	20, 27
Man Reg 351/87	20, 27
Maple Products Regulations, CRC, c 289	20, 27
Migratory Birds Regulations, CRC, c 1035	19, 27
NB Reg 2006-23	18, 20, 27
Nfld 19/97	20, 27
NLR 4/9	20, 27
NS Reg 235/2007	20, 27
Nu Reg 99-40	20, 27
NWT Reg 26-2008	20, 27
O Reg 361/8	20, 27
OC Reg 764-97, 25 June 1997, GOQ 1997.II.2737	20, 27
PEI Reg 2002-249	20, 27
Polar Bear Pass Withdrawal Order, SOR/84-409	18, 27
Regulations Amending the Food and Drug Regulations, SOR/98-580 .	
20, 27	
Road Rules 2008 – Reg 15 What is a vehicle (New South Wales)	21, 27
Sask Reg 444/67	20, 27
YOIC Reg 1995/87	20, 27

3 Cases

3.1 Bibentries

Medium Neutral Citation: \lcinline{cole}

R v Cole, 2012 SCC 53

```
@case{cole,
partya = {R},
partyb = {Cole},
caseyear = {2012},
courtname = {SCC},
casenumber = {53},
}
```

The default party separator is “v”. Use the *partysep=* field to specify a different party separator, e.g., *contre*: \lcinline{arbia}

Arbia c Brousseau, 2020 QCCA 1073

```
@case{arbia,
partya = {Arbia},
partysep = {c},
partyb = {Brousseau},
caseyear = {2020},
courtname = {QCCA},
casenumber = {1073},
}
```

Printed report, by year: \lcinline{hopp}

Hopp v Lepp, [1980] 2 SCR 192

```
@case{hopp,
partya = {Hopp},
partyb = {Lepp},
reportyear = {1980},
volyearneeded = {true},
reportvolume = {2},
}
```

```
reportseries = {SCR},  
reportpage = {192},  
}
```

Printed report, by volume: \lcinline{fucella}

Fucella v Ricker (1982), 35 OR (2d) 423 (H Ct J)

```
@case{fucella,  
partya = {Fucella},  
partyb = {Ricker},  
decisionyear = {1982},  
reportvolume = {35},  
reportseries = {OR (2d)},  
reportpage = {423},  
note = {H Ct J},  
}
```

Printed report, by year, decided and published in different years:
\lcinline{swissair}

Swiss Bank Corp v Air Canada (1987), [1988] 1 FC 71

```
@case{swissair,  
partya = {Swiss Bank Corp},  
partyb = {Air Canada},  
decisionyear = {1987},  
reportyear = {1988},  
volyearneeded = {true},  
reportvolume = {1},  
reportseries = {FC},  
reportpage = {71},  
}
```

Parallel reports: [\lawcitesinlinerr](#){grahamwwr,grahamdlr}

Graham v R, [1978] 6 WWR 48, 90 DLR (3d) 223 (Sask QB)

```
@case{graham,  
  partya = {Graham},  
  partyb = {R},  
  options = {skipbib=true},  
}  
@case{grahamwwr,  
  reportyear = {1978},  
  volyearneeded = {true},  
  reportvolume = {6},  
  reportseries = {WWR},  
  reportpage = {48},  
  options = {skipbib=true},  
  crossref = {graham},  
}  
@case{grahamdlr,  
  reportvolume = {90},  
  reportseries = {DLR (3d)},  
  reportpage = {223},  
  crossref = {graham},  
  note = {Sask QB},  
}
```

3.2 Citations

NOTE: Pinpoints are illustrative only.

Available commands:

	<div style="border: 1px solid black; padding: 2px; display: inline-block;">key</div>	Ex 1
	<div style="border: 1px solid black; padding: 2px; display: inline-block;"><code>\lawcite{key}</code></div>	
	footer, single key	

`\lawcite{cole}`
Text¹

	<div style="border: 1px solid black; padding: 2px; display: inline-block;">key <i>postnote</i></div>	Ex 2
	<div style="border: 1px solid black; padding: 2px; display: inline-block;"><code>\lawcite[postnote]{key}</code></div>	
	footer, single key, single cite	

`\lawcite[\nopp at 67]{cole}`
Text²

	<div style="border: 1px solid black; padding: 2px; display: inline-block;"><i>prenote</i> key</div>	Ex 3
	<div style="border: 1px solid black; padding: 2px; display: inline-block;"><code>\lawcite[prenote][]{key}</code></div>	
	footer, single key	

`\lawcite[See also][]{cole}`
Text³

	<div style="border: 1px solid black; padding: 2px; display: inline-block;"><i>prenote</i> key <i>postnote</i></div>	Ex 4
	<div style="border: 1px solid black; padding: 2px; display: inline-block;"><code>\lawcite[prenote][postnote]{key}</code></div>	
	footer, single key, single cite	

`\lawcite[See also][\nopp at 67]{cole}`
Text⁴

¹ *R v Cole*, 2012 SCC 53.

² *R v Cole*, 2012 SCC 53 at 67.

³ See also *R v Cole*, 2012 SCC 53.

⁴ See also *R v Cole*, 2012 SCC 53 at 67.

key1 key2 ...

Ex 5

`\lawcitesfoot{key1,key2}`

footer, multi key

`\lawcitesfoot{cole,mcleanbclr}`

Text⁵

key1,key2 *postnote*

Ex 6

`\lawcitesfoot[postnote]{key1,key2}`

footer, multi key, single cite

`\lawcitesfoot[\addcomma\addspace both on point]{cole,mcleanbclr}`

Text⁶

prenote key1,key2

Ex 7

`\lawcitesfoot[prenote][]{key1,key2}`

footer, multi key

`\lawcitesfoot[See also][]{cole,mcleanbclr}`

Text⁷

prenote key1,key2 *postnote*

Ex 8

`\lawcitesfoot[prenote][postnote]{key1,key2}`

footer, multi key, single cite

`\lawcitesfoot[See also][\addcomma\addspace both on point]{cole,mcleanbclr}`

Text⁸

⁵*R v Cole*, 2012 SCC 53; *McLean v Pilon* (1978), 7 BCLR 99.

⁶*R v Cole*, 2012 SCC 53; *McLean v Pilon* (1978), 7 BCLR 99, both on point.

⁷See also *R v Cole*, 2012 SCC 53; *McLean v Pilon* (1978), 7 BCLR 99.

⁸See also *R v Cole*, 2012 SCC 53; *McLean v Pilon* (1978), 7 BCLR 99, both on point.

overall-pre <i>prenote</i> key1 <i>postnote</i> , <i>prenote</i> key2 <i>postnote</i> overall-post
--

Ex 9

```
\lawcitesfoot(overall prenote)(overall postnote)[prenote][postnote]{key1}
[prenote][postnote]{key2}
```

footer, multi key, multi cite

```
\lawcitesfoot(There are two further cases\addcomma)(\addcomma\addspace
but neither case directly applies)[a criminal matter][at para 42]{cole}[and
also][101]{mcleanbclr}
```

Text⁹

Corresponding inline commands

```
\lawcitesfoot    \lawcitesinline
\lawcitesfootrr  \lawcitesinlinerr
```

→ There are two further cases, a criminal matter *R v Cole*, 2012 SCC 53 at para 42, and also *McLean v Pilon* (1978), 7 BCLR 99 p. 101 (SC), but neither case directly applies

→ See firstly *McLean v Pilon* (1978), 1978 CanLII 237 at para 42, and secondly, 7 BCLR 99 at 101 (SC)

There is also:

```
\lawcitetitle  \lawcitetitlerr
R v Cole      McLean v Pilon (1978)
```

⁹There are two further cases, a criminal matter *R v Cole*, 2012 SCC 53 at para 42; and also *McLean v Pilon* (1978), 7 BCLR 99 p. 101, but neither case directly applies.

Ex 10

key1 key2 ...

\lawcitesfootrr{key1,key2}

footer, multi key, parallel, multi cite

\lawcitesfootrr{mcleanlii,mcleanbclr}
Text¹⁰

Ex 11

key1 *postnote*, key2 *postnote*

\lawcitesfootrr[*postnote*]{key1}[*postnote*]{key2}

footer, multi key, parallel, multi cite

\lawcitesfootrr[\nopp at para 42]{mcleanlii}[\nopp at 101]{mcleanbclr}
Text¹¹

Ex 12

prenote key1, *prenote* key2

\lawcitesfootrr[*prenote*][]{key1}[*prenote*][]{key2}

footer, multi key, parallel, multi cite

\lawcitesfootrr[See firstly][]{mcleanlii}[and secondly][]{mcleanbclr}
Text¹²

Ex 13

prenote key1 *postnote*, *prenote* key2 *postnote*

\lawcitesfootrr[*prenote*][*postnote*]{key1}[*prenote*][*postnote*]{key2}

footer, multi key, parallel, multi cite

\lawcitesfootrr[See firstly][\nopp at para 42]{mcleanlii}[and secondly][\nopp at 101]{mcleanbclr}
Text¹³

¹⁰ *McLean v Pilon* (1978), 1978 CanLII 237; 7 BCLR 99.

¹¹ *McLean v Pilon* (1978), 1978 CanLII 237 at para 42; 7 BCLR 99 at 101.

¹² See firstly *McLean v Pilon* (1978), 1978 CanLII 237; and secondly, 7 BCLR 99.

¹³ See firstly *McLean v Pilon* (1978), 1978 CanLII 237 at para 42; and secondly, 7 BCLR 99 at 101.

`\lawcitesinline{key}`

Re Sarg Oils Ltd, 2011 ABERCB 32

Clarke Institute of Psychiatry v Ontario Nurses' Assn (Adusei Grievance) (2001), 95 LAC (4th) 154 (OLRB)

Tulk v Moxhay, [1848] 1 H & Tw 105

Case Concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America), [1986] ICJ Rep No 14

Alliance of Canadian Cinema Television and Radio Artists v Canadian Broadcasting Corporation (1990), 91 CLLC 16 (CLRB)

VDN Cable Inc, on behalf of a corporation to be incorporated, Toronto, Ontario (January 2005), 2005-1, online: CRTC <www.crtc.gc.ca> [perma.cc/LF5P-5MM3]

R v Crete (18 April 1991), Ottawa 97/03674 (Ont Prov Ct)

Clearbrook Ironworks Ltd v Letourneau, 2006 FCA 42 at para 3, Sexton JA

`\lawcitesinlinerr{key}`

Massachusetts v Environmental Protection Agency, (2007) 549 US 497, 127 S Ct 1438

R v Syncrude Canada Ltd, 2010 ABPC 154, 2010 CarswellAlta 981 (WL Can)

3.3 MNC & printed combination

Saskatoon (City) v Wal-Mart Canada Corp, 2019 SKCA 3, [2019] 3 WWR 284


```
@case{walmart,
partya = {Saskatoon (City)},
partyb = {Wal-Mart Canada Corp},
caseyear = {2019},
courtname = {SKCA},
casenumber = {3},
reportyear = {2019},
volyearneeded = {true},
reportvolume = {3},
reportseries = {WWR},
reportpage = {284},
}
```

4 Statutes

4.1 Bibentries

Ordinary statutes: `\lawcite{fla}`

Family Law Act, SA 2003, c F-4.5

```
@statute{fla,
citeref = {canleg},
title = {Family Law Act},
svjy = {SA 2003},
chapter = {F-4.5},
}
```

4.2 Citations

`\lawcite{key}`

Family Law Act, SA 2003, c F-4.5

Territorial Lands Act, RSC 1985, c T-7, s 3

Fair Trading Act, RSA 2000, c F-2

Safe Drinking Water Act, 42 USC §300f (1974)

This last uses the semantic structure of the @statute bibentry:

<i>title</i>	,	year		(jurisdiction)		(note)
--------------	---	------	--	----------------	--	--------

to store

<i>Safe Drinking Water Act</i>	,	42 USC §300f				(1974)
--------------------------------	---	--------------	--	--	--	--------

The year value 1974 could just as easily have been stored in the jurisdiction field, with no note field, to produce an identical result.

To display the jurisdiction for non-Canadian statutes, do:

`\toggletrue{statjurisdiction}` or `\setstatjurison`

Law of Property Act, 1969 (UK)

`\togglefalse{statjurisdiction}` or `\setstatjurisoff`

4.3 Regulations

4.3.1 Bibentries

Ordinary regulations: `\lawcite{canregnb}`

NB Reg 2006-23

```
@statute{canregnb,  
citeref = {nbreg},  
year = {2006},  
regnum = {23},  
sorttitle = {nbreg200623},  
}
```

4.3.2 Citations

`\lawcite{key}`

NB Reg 2006-23

Polar Bear Pass Withdrawal Order, SOR/84-409

Migratory Birds Regulations, CRC, c 1035, s 9

Alberta Forest Land Use and Management Regulations, Alta Reg 197/1976, s 2

Because of the multiplicity of regulation format types, in the data structure, using the `citeref` field in the `@statute` bibentry is the more flexible method since it can process both (Canadian) statutes and regulations in one sweep; although, the ‘traditional’ statute fields can still be used, but operate only at the level of statutes, and regulations that look like statutes.

(using `citeref` field)

Criminal Code, RSC 1985, c C-46, s 515 provides that ...

(using statute bibentry fields)

Criminal Code, RSC 1985, c C-46, s 515 provides that ...

The corresponding bibentries are:

```
@statute{crimcodecan,  
  citeref = {canleg},  
  title = {Criminal Code},  
  svjy = {RSC 1985},  
  chapter = {C-46},  
}
```

versus

```
@statute{crimcan,  
  statutetitle = {Criminal Code},  
  statutetitleyear = {RSC 1985, c C-46},%for the title  
}
```

The available `citeref` values for regulations are:

...reg	Example of format (from AGLC3)
crc	<i>Maple Products Regulations</i> , CRC, c 289
sor	<i>Regulations Amending the Food and Drug Regulations</i> , SOR/98-580
alta	Alta Reg 62/2009
bc	BC Reg 278/2008
man	Man Reg 351/87
nb	NB Reg 2006-23
nfld	Nfld Reg 19/97
nlr	NLR Reg 4/9
nwt	NWT Reg 26-2008
ns	NS Reg 235/2007
nu	Nu Reg 40-99
o	O Reg 361/8
pei	PEI Reg EC 2002-249
qc	OC 764-97, 25 June 1997, GOQ 1997.II.2737
sask	Sask Reg 444/67
yoic	YOIC Reg 1995/87

The bibentry data fields required by the various Canadian regulation types are:

Reg Type					
crc	title	chapter			
sor	title		year	regnum	
alta			year	regnum	
bc			year	regnum	
man			year	regnum	
nb			year	regnum	
nfld			year	regnum	
nlr			year	regnum	
nwt			year	regnum	
ns			year	regnum	
nu			year	regnum	
o			year	regnum	
pei			year	regnum	
qc			year	regnum	fulldate gazette
sask			year	regnum	
yoic			year	regnum	
verb				regnum	

For the non-federal regulations, if a title field is available, it will be printed.

For regulations with no available pre-set format, use the `verbreg` `citeref`, and type the full reference into the `regnum` field, and it will be printed as-is:

Road Rules 2008 – **Reg 15** What is a vehicle (New South Wales)

```
@statute{anyregverb,
citeref = {verbreg},
regnum = {Road Rules 2008 -- \textcolor{red}{\textbf{Reg 15}}
What is a vehicle (New South Wales)},
sorttitle = {Road Rules 2008},
}
```

4.4 Currently not covered

- Bills

- Constitutions and Charters
- Treaties, Agreements, and Accords

5 Law Journals

5.1 Bibentries

Law Review articles: `\ljcite{renaud}`

Matthew Renaud, From Reading Courses to Robson Hall: The Development of Legal Education in the Province of Manitoba, 1877–1968, (2019) 42 *Manitoba Law Journal* 286

```
@ljarticle{renaud,
author = {Matthew Renaud},
subtitle = {The Development of Legal Education
in the Province of Manitoba, 1877-1968},
title = {From Reading Courses to Robson Hall},
mncyear = {2019},
mncname = {CanLIIDocs},
mncnumber = {4192},
date = {2019},
volume = {42},
journaltitle = {Manitoba Law Journal},
pages = {286},
}
```

5.2 Citations

`\footnote{\ljcite{key}}`

* Looking at the 1914 Manitoba Law School lecture schedule,¹⁴ – Contracts, Torts, Real Property, Criminal Law, Evidence, Equity, and

¹⁴Reproduced in Matthew Renaud, From Reading Courses to Robson Hall: The Development of Legal Education in the Province of Manitoba, 1877–1968, (2019) 42 *Manitoba Law Journal* 286 p. 295

so on – it becomes obvious that things haven’t changed much, for any law school.

* “it has been argued¹⁵ that, stylistically, dissents are often looser than majority judgments.”¹⁶

`\ljcite{key}`

* the “amorphous ... swirl of text, unwritten principles, and internal architecture” of the open-ended definitions within the constitutional stories, “the narratives that [we tell ourselves] about the constitution and its meanings as a whole” — Eric M Adams, *Canadian Constitutional Identities*, (2015) 38 *Dalhousie Law Journal* 311 at p316, and p313 n7.

→ The author, Eric M Adams, uses the word, ‘amorphous’, a second time, at p 318: “sub-national provinces with amorphous constitutional roles”.¹⁷

It may indeed seem long-winded rigmarole, typing
< `\lcljauthor{adams}` > and < `\lcpostnote[at p 318]{adams}`>,
to get
<Eric M Adams > and <at p 318>,
instead of typing plain text, but ...

ADAMS, in a recent issue of the *Dalhousie Law Journal*, has stated that ...

Lawrence Friedman, Robert Kagan, Bliss Cartwright, Stanton Wheeler, in their classic article in the *Stanford Law Review*, ...

The FRIEDMAN paper in the *Stanford Law Review*, for example, ...

“l’exercice par un peuple autochtone de ses droits possède une dimension de droit public”¹⁸

¹⁵By Lawrence Friedman, Robert Kagan, Bliss Cartwright, Stanton Wheeler, *State Supreme Courts: A Century of Style and Citation*, (1981) 33 *Stanford Law Review* 773 785 (covering 16 state supreme courts in the period 1870-1970), as cited by Russell Smyth.

¹⁶Russell Smyth, *What do Intermediate Appellate Courts Cite? A Quantitative Study of the Citation Practice of Australian State Supreme Courts*, (1999) 21 *Adelaide Law Review* 51 59.

¹⁷Eric M Adams, *Canadian Constitutional Identities*, (2015) 38 *Dalhousie Law Journal* 311 at p 318

¹⁸Ghislain Otis, *Les droits ancestraux des peuples autochtones au carrefour du*

6 Other Material

Text¹⁹ Text²⁰ Text²¹ Text²²

For *R v Cole*, see *supra*, n 1, and n 10 for *McLean v Pilon* (1978).

6.1 Parallel Reports

Text²³

```
@case{litz,  
partya = {Litz},  
partyb = {Litz},  
reportvolume = {180},  
reportseries = {WAC},  
reportpage = {116},  
parallel = {[1998] 10 WWR 145 and 129 Man R (2d) 121},  
}
```

Ludmer v Ludmer, 2012 ONSC 5738, [2012] CarswellOnt 16100

Sheen v Sheen, 2003 MBCA 93, [2003] MJ No 230 (QL)

Betts v Norris, 120 NBR (2d) 384, 302 APR 384, [1991] CarswellNB 51, [1991] NBJ No 1036 (QL)

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¹⁹Eco, *Come si fa una tesi di laurea* p. 110.

²⁰Butt, *Legal Usage* p. 42.

²¹Howie and Johnson, *Annotated Criminal Legislation New South Wales* para [2.4].

²²Bishop, *The First Book of the Law* c 1.

²³*Litz v Litz*, 180 WAC 116, [1998] 10 WWR 145, 129 Man R (2d) 121.

7 This Odyssey

Absence of Authority

“Perhaps the reason for my being unable to find authority touching the present application is because the matter is too simple and plain.” – Clarry, MC.²⁴

Bleak House

“If ever there was a case that demonstrates the need for the court’s involvement to ensure it moves forward, this is that case.”²⁵

“It is 125 years since Charles Dickens in the opening chapter of *Bleak House* chronicled the sorry saga of the litigation before the English Court of Chancery in Jarndyce and Jarndyce. (see *Bleak House*, (1884) full text available on line via <http://books.google.ca/books>)”²⁶

“The entire Twentieth Century intervenes between Dickens’ fictional case and this real one.”²⁷

“This Master is not going to permit these files to become any dustier.”²⁸

“Because the will must be proved in solemn form, it is expected that some considerable pre-trial process will be undertaken: questioning on affidavits, assessment of expert evidence, etc. Perhaps having in mind the ominous warning about the Court of Chancery in Charles Dickens’ *Bleak House*, “Suffer any wrong that can be done you, rather than come here”, prudently, the parties have agreed to provide ...”²⁹

This matter³⁰ has a somewhat Dickensian history, and I am beginning to feel some sympathy for the Lord Chancellor in *Bleak House*.³¹

²⁴*Kybich v Mangus*, [1919] 3 WWR 532.

²⁵Master DE Short *Jimenez v Romeo*, 2009 CanLII 68472 at para 55.

²⁶*Jimenez v Romeo*, 2009 CanLII 68472 at para 60.

²⁷*Jimenez v Romeo*, 2009 CanLII 68472 at para 61.

²⁸*Jimenez v Romeo*, 2009 CanLII 68472 at para 63.

²⁹*Seib Estate*, 2012 ABQB 126 at para 2, Veit J.

³⁰An injunction asking for the barring of demolition of a property in Edmonton.

³¹*Kristel Homes Ltd v Edmonton (City of)*, 2001 ABCA 317 at para 3, Côté JA.

“This has become an unusually and perhaps unnecessarily complex family file involving jurisdictions in Alberta and Nevada, as well as a virtual smorgasbord of legislation. The parties, whether deliberately or through misadventure, have developed a voracious appetite for filing affidavits and court applications. The resulting legal carnage has created our own “bleak house”. ”³²

“Further, the non-financial toll on the parties, and the need to bring this odyssey to an end, are significant considerations. There has been seven years of litigation and at least two prior adjournments of this trial. The issues are clear and have been reasonably well-defined since at least 2008. People have to get on with their lives. In addition, my earlier allusion to the famous *Jarndyce v. Jarndyce* case from *Bleak House* was not without purpose. This is a case where the parties’ dissipation of assets on the mere cost of litigation alone is staggering.”³³

“*Bleak House* by Charles Dickens is a family chronicle in which a disputed estate is exhausted by the payment of legal costs before the dispute is finally resolved. The parties to these proceedings are either unaware of that classic novel’s lesson or unenlightened by it.”³⁴

“Equity stepped in. The courts of equity, despite the reputation they got from works like Dickens’ *Bleak House*, tried to mitigate some of the harshness of the common law. That is where the concept of an equitable right to redeem, or the equity of redemption, came from. The mortgage was then treated as a form of security only and the rights that remained after the mortgage was granted were protected by equity, in the Courts of Chancery .”³⁵

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³²*Anderson v Fawthrop*, 2018 ABPC 226 at para 4, O’Gorman ACJ.

³³*Ludmer v Ludmer*, 2012 ONSC 5738, [2012] CarswellOnt 16100 at para 49, Penny J.

³⁴*Sheen v Sheen*, 2003 MBCA 93, [2003] MJ No 230 (QL) at para 1, Twaddle JA.

³⁵*CIBC Mortgages Inc v Dima Estate*, 2019 NSSC 61 at para 14, Campbell J.

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