

# Westlaw<sup>®</sup> Canada Quick Reference Card Words & Phrases

*Words & Phrases Judicially Defined in Canadian Courts and Tribunals* is a multi-volume collection published as part of the Canadian Abridgment since 1993. It provides judicial interpretations of both statutory and common law terms from the 1800s to the present. This 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 is available to all LawSource subscribers.

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 in each document to link you to related entries.

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

## Searching Words & Phrase

1. Click Words & Phrases Judicially Defined in the **Custom Search Template** section located on the LawSource Home page.



Figure 1

2. The search template appears.

Figure 2

3. Enter your search term(s) into any of the following fields provided. **Note:** Your result list will contain documents that have at least one interpretation from the search fields you used. Use the **Term** arrows at the bottom of the page to navigate to the desired search terms.

**Word/Phrase:** This is the primary search field for this template. Use this field to retrieve interpretations of a particular word or phrase. The default connector for this field is AND; therefore, if you enter multiple terms, your search will retrieve documents that contain all of those terms. For example, entering the terms *reasonable cause* will retrieve *reasonable cause*, *just and reasonable cause*, *reasonable and proper cause*, etc. To search for an exact phrase, use quotation marks. For example, "*general charitable intention*".

**Case Name:** Enter all or part of the name of a case that has interpreted a word or phrase. For example, *Bobier Clay*.

**Case Citation:** Enter all or part of a case citation that has interpreted a word or phrase. **Note:** Words & Phrases entries often contain several case citations. Therefore, it is best to use quotation marks around the citation. Example: "*1964 carswellsask 26*". The citation field is not sensitive to spacing, capitalization or punctuation used in the abbreviation. However, when a form of punctuation is an essential part of the citation style, it should be included. When searching case law, do not include the year of the decision (entered in round brackets) in the citation entry.

**Abridgment Subject Title:** Use this field to search a specific subject title from the Canadian Abridgment (3<sup>rd</sup> Edition) that contain interpretations of your words or phrase. For example, *Torts*.

**Judge/Decider:** Search only for entries that contain interpretations by a particular judge or other adjudicator. For example, *Sopinka*.

**Search full text for:** Search for text that appears *anywhere* in a Words & Phrases entry. Select an option from *The results must contain* drop-down list to specify a relationship between your search terms.

4. Limit your results by jurisdiction or timeframe.

**By Jurisdiction:** If you limit your search to a particular jurisdiction, you will retrieve documents that have at least one interpretation in that jurisdiction. To select more than one jurisdiction, click the first jurisdiction you want and then CTRL+click the remaining jurisdictions.

**By Timeframe:** If you limit your search to a specific timeframe, your search will retrieve documents that have at least one interpretation made within that timeframe.

5. Click **GO**.

**Tip:**

**Legislative Definitions:** The content searched by this template contains judicial interpretations only. To find how terms are defined in Canadian legislation, click the [Legislation search template](#) link and enter your term(s) into the Defined Term field.

6. The search results appear.

The screenshot shows the Westlaw Canada search results for the term "ACT OF GOD". The interface includes a top navigation bar with "Westlaw.CANADA" and various search filters. The main content area is divided into a "Result List" on the left and a "Words & Phrases" section on the right. The "Result List" shows two entries: "1. W&P 745" and "2. W&P 757". The "Words & Phrases" section lists related terms such as "DAMNUM FATALE", "DEFENCE OF DUE DILIGENCE", "FORCE MAJEURE CLAUSE", "FORESEEABLE", and "VIS MAJOR".

Callout boxes provide the following information:

- Result List in alphabetical order:** Points to the "Result List" header.
- An interpretation is indicated by a bullet and arranged by jurisdiction. Within the jurisdiction, it is arranged reverse chronologically and then by year of decision.** Points to the bullet point under "Federal" in the "Words & Phrases" section.
- Word/phrase retrieved by search:** Points to the "ACT OF GOD" header.
- Cross-reference links to related interpretations:** Points to the list of related terms in the "Words & Phrases" section.

Figure 3

### Accessing Words & Phrases from a Case

Words or phrases interpreted in a decision appear within KeyCite® Canada citing references.

1. From your decision, click the Citing References link on the Related Info tab in the left frame.
2. Scroll through the list in the right frame to locate the Words & Phrases (Canada) section.
3. Click the document number hyperlink next to the interpretation you want to retrieve.

The screenshot shows the "Citing References" section for the case "France (Republic) v. DeHavilland Aircraft of Canada Ltd.". The "Citing References" section is highlighted in orange and lists several references, including "32 COURT OF COMPETENT JURISDICTION" and "33 CANADIAN SOVEREIGNTY". The "Words & Phrases (Canada)" section is also highlighted in orange and lists terms such as "COURT OF COMPETENT JURISDICTION" and "CANADIAN SOVEREIGNTY".

Callout boxes provide the following information:

- Citing References:** Points to the "Citing References" link in the left sidebar.
- Words & Phrases section:** Points to the "Words & Phrases (Canada)" section in the main content area.

Figure 4

## Finding Definitions of Words & Phrases in Legislation

Use the Legislation search template to find how words and phrases are defined in legislation.

1. Click [Legislation](#) in the **Custom Search Template** section located on the LawSource Home page (See Figure 1). *Alternatively*, click the [Legislation search template](#) link located on the Words & Phrases Judicially Defined template.
2. Enter the word or phrase into the **Defined Term** field. (Use quotation marks to find an exact phrase.) Click **Go**.

Search Legislation [Terms and Connectors Search](#) [Natural Language Search](#) [Clear Query](#)

**1 Enter your search terms:**

Search full text for:  [Searching Tips](#)

The results must contain:

Search the following fields:

Short Title:  Section:

Citation:  **Defined Term:**

**2 Limit Results (optional)**

By Jurisdiction:

- All Jurisdictions
- Alberta
- British Columbia
- Federal

Figure 5

3. Use the **Term** arrows to navigate to your defined term/phrase.

Result List 13 Docs [Full Screen List](#) [Edit Search](#) | [Locate in Result](#) [Result Options](#)

**1** Canada Federal Statutes: Divorce Act; Interpretation; R.S.C. 1985, c. 3 (2nd Supp.), s. 2; 2; 2(1) Definitions; 2(2) Child of the marriage; 2(3) Term not restrictive; 2(4) Idem; 2(5) Provincial child support guidelines; 2(6) Amendments included

...by reason of illness, disability or other cause, to withdraw from their charge or to obtain the necessities of life; **child support order**, means an order made under subsection 15.1(1); "corollary relief proceeding" means a proceeding in a court in which...

**2** Alberta Statutes: Family Law Act; Part 3 — Support Obligations; S.A. 2003, c. F-4.5, s. 46; 46. Definitions

...determined in accordance with the prescribed guidelines; (c) "child support agreement" means an agreement entered into under

**Previous Divorce Act Next**  
R.S.C. 1985, c. 3 (2nd Supp.), s. 2  
Approx. 1 page

(a) is under the age of majority and who has not withdrawn from their charge, or (b) is the age of majority or over and under their charge but unable, by reason of illness, disability or other cause, to withdraw from their charge or to obtain the necessities of life;

**"child support order"**, means an order made under subsection 15.1(1);

**"corollary relief proceeding"** means a proceeding in a court in which either or both former spouses seek a child support order, a spousal support order or a custody order;

**"court"**, in respect of a province, means

(a) for the Province of Ontario, the Superior Court of Justice,

(a.1) for the Province of Prince Edward Island or Newfoundland, the trial division of the Supreme Court of the Province,

(b) for the Province of Quebec, the Superior Court,

(c) for the Province of Nova Scotia and British Columbia, the Supreme Court of the Province,

(d) for the Province of New Brunswick, Manitoba, Saskatchewan or Alberta, the Court of Queen's Bench for the Province, and

(e) for Yukon or the Northwest Territories, the Supreme Court, and in Nunavut, the Nunavut Court of Justice,

and includes such other court in the province the judges of which are appointed by the Governor General as is designated by the Lieutenant Governor in Council of the province as a court for the purposes of this Act;

**"custody"** includes care, upbringing and any other incident of custody;

**"custody order"** means an order made under subsection 16(1);

**"divorce proceeding"** means a proceeding in a court in which either or both spouses seek a divorce alone or together with a child support order, a spousal support order or a custody order;

**"Federal Child Support Guidelines"** means the guidelines made under section 26.1;

**"provincial child support service"** means any service, agency or body designated in an agreement

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Figure 6

Go to: [www.westlawcarswell.com/support/reference.htm](http://www.westlawcarswell.com/support/reference.htm) for additional Quick Reference Cards. Click [Learning Tutorials](#) on the left side to access online tutorials.

For assistance using Westlaw Canada or to arrange training call 1-800-387-5164. (Jan/12)