

Stuart M. Robertson

Courts

and
the

Media

Butterworths

Courts and The Media

**Stuart M. Robertson, M.A., LL. B.
of the Ontario Bar**

**BUTTERWORTHS
Toronto**

Courts and the Media

© 1981 Butterworth & Co. (Canada) Ltd.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, photocopying, electronic, mechanical, recording, or otherwise, without the prior written permission of the copyright holder.

Printed and bound in Canada

The Butterworth Group of Companies

Canada:

Butterworth & Co. (Canada) Ltd., Toronto and Vancouver

United Kingdom:

Butterworth & Co. (Publishers) Ltd., London

Australia:

Butterworths Pty. Ltd., Sydney

New Zealand:

Butterworths of New Zealand Ltd., Wellington

South Africa:

Butterworth & Co. (South Africa) Ltd., Durban

United States:

Butterworth (Publishers) Inc., Boston

Butterworth (Legal Publishers) Inc., Seattle

Mason Publishing Company, St. Paul

Canadian Cataloguing in Publication Data

Robertson, Stuart M.

Courts and the media

Includes index.

ISBN 0-409-86285-1

1. Press law—Canada. 2. Crime and the press—Canada. I. Title.

KE2550.R62

343.71'0998

C81-094581-9

Courts and The Media

To Kiddie

Acknowledgements

There are many kind people who have assisted and suffered in the preparation of this work. The only way to thank them properly is to have it used by students, members of the media and lawyers. Two media counsel—Terri H. Semanyk and J. Blair Mackenzie—provided the author with expert and generous assistance in reviewing the manuscripts and giving much needed direction, for which I am deeply grateful.

“If laws are not clear, they are useless.” .

Sir Thomas More
Utopia, Book II

Table of Cases

Abigail, Ex. p.; Re McLeod (1892) 13 L.R. (N.S.W.) 183	23
Abko Medical Laboratories Ltd. and The Queen, Re, (1977), 15 O.R. (2d) 779, 35 C.C.C. (2d) 65, 77 D.L.R. (3d) 295	46, 83, 87, 132, 250, 253, 283
Abou-Assale v. Bourdon J.S.P. (1978), 1 C.R. (3d) 213, 39 C.C.C. (2d) 546 (Que.)	239, 240
Ackroyds (London) Ltd. v. Islington Plastics Ltd., [1962] R.P.C. 97	277
Adam v. Fisher (1914), 110 L.T. 537 (C.A.)	253
Adelphi Book Store Ltd. and The Queen, Re, (1972), 8 C.C.C. (2d) 49, 7 C.P.R. (2d) 166, [1972] 6 W.W.R. 126 sub nom. R. v. King (Sask. C.A.)	238
Agricultural Industries Ltd., Re, [1952] 1 All E.R. 1188 (C.A.)	157
Alberta Legislation, Reference Re; A.-G. Alta. v. A.-G. Can., [1938] S.C.R. 100, [1938] 2 D.L.R. 81, affd [1938] 4 D.L.R. 433, [1938] 3 W.W.R. 337, [1939] A.C. 117, [1939] 1 All E.R. 423	81
Alder v. A.-G. Alta., [1977] 5 W.W.R. 132, 5 A.R. 473	241
L'Alliance des professeurs catholiques de Montreal v. The Labour Relations Bd. of Quebec, [1953] 28 C.R. 140	88
Alliance Perpetual Building Society v. Belrum Investments Ltd., [1957] 1 All E.R. 635	189, 202
Ambard A.-G. for Trinidad and Tobago, [1936] 1 All E.R. 704 (P.C.)	16, 60
Ammerman v. Hubbard Broadcasting, Inc. (1977), 572 P. 2d 1258, certiorari denied 436 U.S. 906	276
Anderson v. Anderson (1979), 26 O.R. (2d) 769, 12 R.F.L. (2d) 353, 14 C.P.C. 87, 105 D.L.R. (3d) 341	166
Andrew v. Raeburn (1874), 9 Ch. App. 522	142, 187
Anonymous (1874), 30 L.T. 153	143
Ansley v. Ansley, [1973] 5 W.W.R. 181, 12 R.F.L. 93 (B.C.)	254
Anti-Dumping Act and Y.K.K. Zipper Co. of Canada Ltd., Re, [1975] F.C. 68 (C.A.)	182
Application for Writs of Assistance, Re, [1965] 2 Ex. C.R. 646	244
Armbo Materials and Construction Ltd. v. The Queen (1978), 8 C.P.C. 24, set aside (1979), 10 C.P.C. 98	273
Armstrong and State of Wisconsin, Re, (1972), 7 C.C.C. (2d) 331, [1972] 3 O.R. 229	148, 171

Arseneau v. The Queen (1979), 95 D.L.R. (3d) 1, [1979] 2 S.C.R. 136, 45 C.C.C. (2d) 321, 26 N.R. 226, 25 N.B.R. (2d) 390, 51 A.P.R. 390	132
Arnold v. King-Emperor (1914), 30 T.L.R. 462 (P.C.)	167, 275
Ashby v. White (1704), 1 Bro. Parl. Cas. 62 (H.L.)	123
Aspotogan Ltd. v. Lawrence (1974), 10 N.S.R. (2d) 614 (C.A.)	76
Associated Newspapers Ltd., Re, Ex. p. Fisher (1941), 41 S.R. (N.S.W.) 272	56
A.-G. v. Bailey (1917), 17 S.R. (N.S.W.) 170	60
A.-G. v. Blomfield; A.-G. v. Geddis (1913), 33 N.Z.L.R. 545	69
A.-G. v. Briant (1846), 15 M. & W. 169	274
A.-G. v. B.B.C., [1978] 2 All E.R. 731, affd [1979] 3 All E.R. 45 (C.A.)	31, 34, 78, 88, 99
A.-G. v. Butterworth (1962), 3 All E.R. 326 (C.A.)	50, 74
A.-G. v. Clough, [1963] 1 All E.R. 420	250, 251, 254, 260, 266, 277, 283
A.-G., Ex. p.; Re Evatt (1933), 33 S.R. (N.S.W.) 557	73
A.-G. v. Hancox, [1976] N.Z.L.R. 171	102, 151, 169, 187
A.-G. (on relation of McWhirter) v. Independent Broadcasting Authority, [1973] Q.B. 629 (C.A.)	175
A.-G. v. Jonathan Cape Ltd.; A.-G. v. Times Newspapers Ltd., [1975] 3 All E.R. 484	272, 277
A.-G. v. Leveller Magazine Ltd., [1979] 1 All E.R. 745 (H.L.)	46, 58, 96, 169, 187, 188, 194
A.-G. v. London Weekend Television, [1972] 3 All E.R. 1146	30
A.-G. v. Mulholland; A.-G. v. Foster, [1963] 1 All E.R. 767 (C.A.)	250, 251, 253, 260, 261, 266, 276, 283
A.-G. v. Noonan, [1956] N.Z.L.R. 1021	38
A.-G. v. Times Newspapers Ltd., [1973] 3 All E.R. 54 (H.L.), revd [1979], 2 E.H.R.R. 245 (European Ct. of Human Rights) <i>sub nom.</i> The Sunday Times v. United Kingdom	12, 19, 23, 28, 30-33, 50, 53, 59, 78, 98
A.-G. v. Tonks, [1934] N.Z.L.R. 141	38
A.-G. B.C. v. Smith (1967), 65 D.L.R. (2d) 82, [1967] S.C.R. 702, [1969] 1 C.C.C. 244, 2 C.R.N.S. 277, 61 W.W.R. 236	151
A.-G. Can. v. Alexander, Yellowknife Publishing Co. Ltd. and "News of the North", [1975] 6 W.W.R. 257, 65 D.L.R. (3d) 608, 27 C.C.C. (2d) 387 (<i>sub nom.</i> Re A.-G. Can. and Alexander) (N.W.T.)	69, 71, 99
A.-G. Can. v. Canard (1976), 52 D.L.R. (3d) 548, [1976] 1 S.C.R. 170, [1975] 3 W.W.R. 1, 4 N.R. 91	155
A.-G. Can. v. C. G. Fields and Co., [1942] O.W.N. 361	269
A.-G. Ceylon v. deLivera, [1963] A.C. 103 (P.C.)	83, 132
A.-G. Man. v. F. P. Publications (Western) Ltd. Southam Press Limited, Armadale Communications Ltd., unreported, October 22, 1979, (Man C.A.)	23

A.-G. Man. and Radio OB Ltd., Re, (1976) 31 C.C.C. (2d) 1, 70 D.L.R. (3d) 311, [1976] 4 W.W.R. 147 (Man.)	26, 99, 101, 102, 113, 221, 223
A.-G. Man. v. Winnipeg Free Press Co. Ltd., [1965] 4 C.C.C. 260, 47 C.R. 48, 52 W.W.R. 129 (Man.)	24, 26, 35, 99, 101, 102, 113, 221
A.-G. N.S. v. Mason (1971), 7 N.S.R. (2d) 71	76
A.-G. N.S. and Miles (1970), 1 C.C.C. (2d) 564, 15 D.L.R. (3d) 189, 2 N.S.R. (2d) 564, 15 D.L.R. (3d) 189, 2 N.S.R. (2d) 96	46, 99
A.-G. N.S.W. v. Mirror Newspapers Ltd., [1962] 62 S.R. (N.S.W.) 421	38
A.-G. N.S.W. v. Perpetual Trustee Co. (Ltd.), [1955] 1 All E.R. 846 (P.C.)	273
A.-G. Ont. v. C.B.C. (1977), 39 C.C.C. (2d) 182 (Ont.)	57, 89-91, 99
A.-G. Que. v. Hébert, [1967] 2 C.C.C. 111, [1966] Que. Q.B. 197, 50 C.R. 88, <i>sub nom.</i> Hébert v. A.-G. Que.	89-91, 93
Auburn v. Reading (1924), 26 W.A.L.R. 134	28
Avery v. Homewood Sanitarium of Guelph Ontario Ltd., [1954] O.W.N. 374 (C.A.)	269
B. (J.A.) (an infant), Re, [1965] 2 All E.R. 168	74
B. (otherwise P.) v. A.-G., [1965] 3 All E.R. 253	142, 189
Badische v. Levinstein (1883), 24 Ch. D. 156	142, 187
Baird, Ex. p.; Re Ellis (1888), 27 N.B.R. 99, <i>affd</i> 16 S.C.R. 147 defendant found guilty of contempt (1889), 28 N.B.R. 497	67, 99
Baker v. Bethnal Green Borough, [1945] 1 All E.R. 135 (C.A.)	140
Baker v. F. & F. Investment (1972), 470 F. 2d. 778 (2d Cir.), <i>certiorari</i> denied (1973), 411 U.S. 966	265
Banks v. Globe and Mail Ltd. (1961), 28 D.L.R. (2d) 343, 1961 S.C.R. 474	84, 275
Barnett v. Barnett (1859), Sea. and Sm. 20	143
Baxter v. C.B.C. and Malling (1978), 22 N.B.R. (2d) 307, 39 A.P.R. 307	252, 253, 269, 276
Beemer v. Beemer (1904), 9 O.L.R. 69 (C.A.)	166
Bélanger v. Commission de Révision du Comté de Sauvé, [1973] Que. S.C. 814	140, 62
Bell v. Stewart (1920) 28 C.L.R. 419 (C.A.)	23
Bellitti v. C.B.C. (1973), 44 D.L.R. (3d) 407, 2 O.R. (2d) 232, 15 C.C.C. (2d) 300	53, 77, 210
Bell Telephone Co. of Canada (1947), 89 C.C.C. 196, 4 C.R. 162, [1947] O.W.N. 651	239, 240, 242
Belzberg v. B.C. Television Ltd., Jackson, unreported, January 5, 1981 (B.C.)	259
Bennett v. Gage Educational Publishing Ltd. (1980), 3 A.C.W.S. (2d) 473 (Ont.)	254

Benning v. A.-G. Sask. (1963), 39 D.L.R. (2d) 426, 40 C.R. 37, 41 W.W.R. 497, [1963] 2 C.C.C. 197. (Sask.)	154, 171
Bergeron v. Société de Publication Merlin Ltée (1970), 14 C.R.N.S. 52 (Que.)	90
Biba Ltd. v. Stratford Investments, [1972] 3 All E.R. 1041	103
Bielek v. Ristimaki, unreported, June 21, 1979 (Ont.) (See Appendix A)	11, 41, 43, 51, 113, 114, 176, 178, 213, 214
Birmingham Vinegar Brewery v. Henry (1893), 10 T.L.R. 586	102
Black and The Queen, Re, (1973), 13 C.C.C. (2d) 446, 24 C.R.N.S. 203, [1973] 6 W.W.R. 371, <i>sub nom.</i> R. v. Black (B.C.)	244
Blais and Andras, Re, (1973), 30 D.L.R. (3d) 287, 1973 F.C. 182 (C.A.)	273
Blake v. Blake (1844), 7 Beau. 514, 49 E.R. 1165	192
Bloomfield v. Brooke (1875), 6 P.R. 264 (Ont.)	92
Bonnard v. Perryman, [1891] 2 Ch. 269	76
Borden and Elliott and The Queen, Re, (1975), 70 D.L.R. (3d) 579, 13 O.R. (2d) 248, 30 C.C.C. (2d) 337 (C.A.)	239
Borowski, Re, (1971), 19 D.L.R. (3d) 537, 3 C.C.C. (2d) 402, 1971 3 W.W.R. 434 <i>sub nom.</i> Anger v. Borowski (Man.)	64, 67, 68, 83, 84, 86
Bothwell Election, Re, (1883) 4 O.R. 224	22
Boyer v. The King (1948), 94 C.C.C. 195, 7 C.R. 165 (Que. C.A.)	235
Bradley v. McIntosh (1884), 5 O.R. 227 (C.A.)	274
Bramblevale Ltd., Re, [1970] Ch. 128 (C.A.)	97, 101
Branzburg v. Hayes (1972), 408 U.S. 665	250, 266
Bread Manufacturers Ltd., Ex. p.; Re Truth & Sportsman Ltd. (1937), 37 S.R. (N.S.W.) 242	59
Briscoe v. Briscoe, [1966] All E.R. 465	97
B.C. Ferry Corporation v. B.C. Ferry and Marine Workers' Union, [1979] 4. W.W.R. 545 (B.C.C.A.)	280
British Steel Corp. v. Granada Television Ltd., [1981] 1 All E. R. 417 (C.A., H.L.)	267, 278
Broome v. Cassell and Co. Ltd., [1972] 1 All E.R. 801 (H.L.)	257
Brown v. The Queen (1954), 110 C.C.C. 78, 36 M.P.R. 161, 21 C.R. 247 <i>sub nom.</i> R. v. Brown (N.B.C.A.)	26, 112
Brown v. The Queen, [1970] 3 C.C.C. 30, 6 C.R.N.S. 107 (Que. C.A.)	140
Brownrigg v. Slater, Brownrigg v. Brownrigg, [1906] Q.S.R. 9	41
Bruton v. Regina City Policemen's Assn., Local 155, [1945] 3 D.L.R. 437, 1945 2 W.W.R. 273 (Sask. C.A.)	140, 141
Buenos Ayres Gas Co. v. Wilde (1880), 42 L.T. 657	28, 62
Burford v. Globe Printing Co., [1949] O.W.N. 510	269
Burmah Oil Co. Ltd. v. Bank of England, [1979] 2 All E.R. 461, <i>affd</i> [1979] 3 All E.R. 700 (H.L.)	273
Burnett v. C.B.C. and MacIntyre, unreported, September 21, 1978, (N.S.) (See Appendix B)	76
Caddy v. Barlow (1827), 1 Man. & Ry. K.B. 275	179

Campbell and Cowper, Re, [1935] 1 D.L.R. 533, [1934] 3 W.W.R. 593, 63 C.C.C. 36 (Alta.)	90
Campbell, Ex. p. (1915), 9 Q.J.P. 111	51
Campbell v. Paton (1979), 10 C.P.C. 229 (Ont.)	273, 275
Canada Metal Co. Ltd. v. C.B.C. (1974) 3 O.R. (2d) 1, affd. 7 O.R. (2d) 262 (D.C.)	75, 76, 193
Canada Metal Co. Ltd. v. C.B.C. (No. 2) (1974), 4 O.R. (2d) 585, 199 C.C.C. (2d) 218, 48 D.L.R. (3d) 641, affd 11 O.R. (2d) 167, 29 C.C.C. (2d) 325, 65 D.L.R. (3d) 231 (C.A.)	20, 43, 75, 100-103, 105-107, 113, 193
Canada Metal Co. Ltd. v. C.B.C. (1974), 8 O.R. (2d) 375 (C.A.)	97
Canada Metal Co. Ltd. and Heap, Re (1975), 7 O.R. (2d) 185, 54 D.L.R. (3d) 641 (C.A.)	246, 259
C.B.C. and Knapp v. Cordeau, Brunet, Courtemanche and the Quebec Police Commission, [1979] 2 S.C.R. 618, 29 N.R. 541, 48 C.C.C. (2d) 289, 101 D.L.R. (3d) 24, 14 C.P.C. 60, <i>sub nom.</i> C.B.C. v. Cordeau	88, 162, 280
C.B.C. and Clerk of the Supreme Court of Alberta, Re, (1977), 77 D.L.R. (3d) 621, 3 Alta. L.R. (2d) 370, 6 A.R. 259	140, 176, 186, 187, 190, 202
Canadian Broadcasting League and C.R.T.C. (1979), 101 D.L.R. (3d) 669, 1980 1 F.C. 393, (1979) 29 N.R. 383, 13 C.P.C. 331 (F.C.A.)	144
C.P.R. and Order A-43151 of Workmen's Compensation Board, Re, [1950] 1 W.W.R. 673 (Man. C.A.)	192
C.R.T.C. and London Cable T.V. Ltd., Re, [1976] 2 F.C. 621, 67 D.L.R. (3d) 267, 13 N.R. 292, 29 C.P.R. (2d) 268 (C.A.)	144
Chamberlist v. Collins (1962), 34 D.L.R. (2d) 414, 39 W.W.R. 65 (B.C.C.A.)	82, 126
Chambers v. Jaffray (1906), 12 O.L.R. 377 (C.A.)	262
Chantler, Re, (1904), 8 C.C.C. 245 (Ont.)	179
Chapman and Sons v. Stoddart and Co., [1930] 3 W.W.R. 171, 43 B.C.R. 182, 1930 4 D.L.R. 1013 (B.C.)	264
Charlton, Re, [1969] 1 O.R. 706, 3 D.L.R. (3d) 623 (C.A.)	34, 221
Cheltenham and Swansea Railway Carriage and Wagon Co., Re, (1869), L.R. 8 Eq. 580	40
Cherneskey v. Armadale Publishers Ltd. (1974), 45 D.L.R. (3d) 433, [1974] 3 W.W.R. 10, revd. 1974 6 W.W.R. 162 (Sask. C.A.), revd and trial judgment restored 1978 6 W.W.R. 618 (S.C.C.)	256
Chignecto Hotel Co. Ltd. v. Hall (1966), 58 D.L.R. (2d) 548 (N.S.C.A.)	140
Chuck v. Cremer (1846), 2 Ph. 113 41 E.R. 884	192
Church of Scientology of California v. Dept. of Health and Social Security, [1979] 3 All E.R. 97 (C.A.), leave to appeal denied.	268
Church of Scientology of B.C. v. Radio NW Ltd. (1974), 46 D.L.R. (3d) 459, [1974] 4 W.W.R. 173 (B.C.C.A.)	76

Churchill Falls (Labrador) Corp. Ltd. v. The Queen (1972), 28 D.L.R. (3d) 493 (F.C.)	273
Clark and A.-G. Can., Re, (1977), 81 D.L.R. (3d) 33, 17 O.R. (2d) 593, 34 C.P.R. (2d) 34 C.P.R. (2d) 91	83, 85, 100, 132
Clarke v. Plummer, [1928] 1 D.L.R. 941, [1928] 1 W.W.R. 234 (Alta.)	281
Cleland v. Cleland (1913), 109 L.T. 744	143
Clement (1822), 11 Price 68, 147 E.R. 404	58, 280
Collier v. Hicks (1831), 9 L.J. O.S.M.C. 138	167
Comet Products U.K. Ltd. v. Hawkex Plastics Ltd., [1971] 1 All E.R. 1141 (C.A.)	97
Cominco Ltd. v. Westinghouse Can. Ltd. (1978), 9 B.C.L.R. 100	269
Commission de police du Québec v. Sauliner et M. le juge Gosselin, [1973] Que. C.A. 757	88
Commission of Inquiry Concerning Certain Activities of the R.C.M.P. (1978), 94 D.L.R. (3d) 365, 44 C.C.C. (2d) 200 (Commission of Inquiry, Canada)	162, 163, 272, 273
la Compagnie de Publication du Soleil, Re (1908), 34 Que. S.C. 72	60, 70
Connelly v. D.P.R., [1964] 2 All E.R. 401 (H.L.)	87, 99
Consolidated Press Ltd., Re; Ex p. Auld (1936), 36 S.R. (N.S.W.) 596	38
Continental Casualty Co. v. Combined Insurance Co. of America, [1967] Que. Q.B. 814, 35 Fox Pat. C. 92	140, 143, 187
Conway v. Rimmer, [1968] 1 All E.R. 874 (H.L.)	273
Cook v. Credit Valley Ry. Co. (1879), 8 P.R. 167	92
Cooper v. Queensland Daily Guardian (1868), 1 Q.S.C.R. 193	77
Cordeau, Brunet, Courtemanche and the Quebec Police Commission v. C.B.C. and Knapp, unreported; August 22, 1974 (Que. C.A.), revd on other grounds [1979] 2 S.C.R. 618 <i>sub nom.</i> C.B.C. and Knapp v. Cordeau, Brunet, Courtemanche and the Quebec Police Commission	169
Cotroni v. Quebec Police Commission [1978] 1 S.C.R. 1048, 18 N.R. 541, 80 C.L.R. (3d) 490, 38 C.C.C. (2d) 56	21, 92
Cowan v. C.B.C., [1966] 2 O.R. 309, 56 D.L.R. (2d) 578 (C.A.)	100
Cowie v. Robinson (1928), 62 O.L.R. 351, [1928] 3 D.L.R. 776 (C.A.)	202
Cradle Pictures (Canada) Ltd. v. Penner (1975), 63 D.L.R. (3d) 440, 10 O.R. (2d) 444, 24 C.P.R. (2d) 79	76
Crompton (Alfred) Amusement Machines Ltd. v. Commissioners of Customs and Excise (No. 2 [1974] A.C. 405 (H.L.)	250, 270, 273
Crossley, Re (1894), 15 L.R. (N.S.W.) 154	30
Crown Bank, Re; Re O'Malley (1890), 44 Ch. D. 649	31, 33
Culligan v. The Graphic Ltd. (1917), 44 N.B.R. 481, 37 D.L.R. 134 (C.A.)	255

Curlett v. Canadian Fire Insurance Co. (No. 3), [1939] 2 W.W.R. 527 (Alta.)	274
Czuy v. Mitchell, (1976), 72 D.L.R. (3d) 424, [1976] 6 W.W.R. 676, 2 C.P.C. 83, 1 Alta. L.R. 97, 1 A.R. 434	255
D. v. D.; D. v. D. and G., [1903] P. 144	143
D. v. N.S.P.C.C., [1976] 3 W.L.R. 124 revd [1977] 1 All E.R. 589 (H.L.)	250, 263, 267, 273, 277
Daly, Re; Re Winter (1889), 15 V.L.R. 402	101
Dan, Re, (1975), 363 N.Y.S. 2d 493	266
Danvillier v. Myers, [1883] W.N. 58 (C.A.)	284
Dansereau, Ex p. (1875), 19 L.C. Jur. 210 (C.A.)	123
Dare to be Great of Canada (1971) Ltd. and A.-G. Alta., Re (1972), 6 C.C.C. (2d) 408, [1972] 3 W.W.R. 307 (Alta.)	243
Daubney v. Cooper (1829), 10 B. & C. 237 109 E.R. 438	167
Davis v. Baillie, [1946] V.L.R. 486	36, 38
Davis v. Barlow (1910), 15 W.L.R. 49 (Man.)	126
Daw v. Eley (1868), L.R. 7 Eq. 49	31, 57
Dawson, Ex p.; Re Australian Consolidated Press Ltd., [1961] S.R. (N.S.W.) 573	59
Dean v. Wright (1912), 3 O.W.N. 808, 1 D.L.R. 918	91
De Beaujeu's Application for Writ of Attachment against Cudlipp, [1949] 1 All E.R. 439	189, 190, 202
Delbert-Evans v. Davies and Watson, [1945] 2 All E.R. 167	33, 185
DeLisle v. DeLisle, The Times (March 15, 1904)	143
Dembie v. Dembie (1963), 21 R.F.L. 46 (Ont.)	251, 278
Demeter v. Occidental Life Insce. Co. of California (1979), 94 D.L.R. (3d) 465, 23 O.R. (2d) 31	210, 217
Democratic National Committee v. McCord (1973), 356 F. Supp. 1394 (D.C.)	265
Depoe and Lampport, Re, (1968), 66 D.L.R. (2d) 46, [1968] 1 O.R. 185, 1968 2 C.C.C. 209	52, 73
de Schelking v. Crombie, [1918] 3 W.W.R. 1038, 26 B.C.R. 345	253, 268
De Sève v. The Queen (1979), 9 C.R. (3d) 222 (Que.)	210
Diamond and O.M.B., Re (1962), 32 D.L.R. (2d) 103, [1962] O.R. 328 (C.A.)	88
Dill v. Murphy (1864), 1 Moo. P.C. (N.S.) 487, 15 E.R. 784 (P.C.)	124
Dimes v. Grand Junction Canal (Proprietors) (1852), 3 H.L.C. 759, 10 E.R. 301 (H.L.)	141
Dingle v. Associated Newspapers Ltd., [1960] 1 All E.R. 294, varied [1961] 1 All E.R. 897, affd 1962 2 All E.R. 737, sub nom. Associated Newspapers Ltd. v. Dingle (H.L.)	82, 132
Dion v. Dion, [1944] 1 W.W.R. 106, 52 Man. R., revd on other grounds [1944] 1 W.W.R. 500, 52 Man. R. 15, [1944] 1 D.L.R. 735 (C.A.)	140
The Distillers Co. (Biochemicals) Ltd. v. Times Newspapers Ltd., [1975] 1 All E.R. 41	166
Dow Jones Co. Inc. v. Superior Court (1973), 303 N.E. 2d 847 (Mass.)	266

Doyle v. The Queen (1976), 68 D.L.R. (3d) 270 [1977] 1 S.C.R. 597, 10 N. & P.E.I. R. 45, 35 C.R.N.S. 1, 29 C.C.C. (2d) 177, 9 N.R. 285	46, 87, 97, 195, 280
Drabinsky v. Maclean-Hunter Ltd. (1980), 28 O.R. (2d) 23, 108 D.L.R. (3d) 390	253
Drake v. Overland and Southam Press Ltd. (1979), 107 D.L.R. (3d) 323, 2 W.W.R. 193, 12 C.P.C. 303 (Alta. C.A.)	255
Draper v. Jacklyn (1970), 9 D.L.R. (3d) 264, 1970 S.C.R. 92	251
Drewry v. Thacker (1819), 3 Swan St. 529, 36 E.R. 963	192
Duchess of Argyll v. Duke of Argyll, [1965] 1 All E.R. 611	233, 271, 277
Duddy v. Duddy (1928), 35 O.W.N. 75	166
Duncan, Re (1957), 11 D.L.R. (2d) 616, [1958] S.C.R. 41	64
Duncan v. Cammell Laird and Co. Ltd., [1942] 1 All E.R. 587 (H.L.)	273
Duncan v. Sparling (1894), 10 T.L.R. 353	43
Dunn v. Bevan, [1922] 1 Ch. 276	48
Dunn v. Bd. of Education for Toronto (1904), 7 O.L.R. 451	192
Dybikowski and B.C. Civil Liberties Association v. R. in Right of B.C., [1979] 2 W.W.R. 631 (B.C.)	100
F. (a minor), Re, [1976] 3 All E.R. 274	105
F., Re, [1945] 3 W.W.R. 31, [1945] 4 D.L.R. 702 <i>sub nom.</i> Re Legal Professions Act and Benchers Society of B.C. (B.C.)	140, 141
F.P. Publications (Western) Ltd. v. Conner Prov. J., [1980] 1 W.W.R. 62, 1 Man. R. (2d) 175, revd [1980] 1 W.W.R. 504, 2 Man. L.R. (2d) 1, 51 C.C.C. (2d) 110 (C.A.)	140, 147, 170, 175, 190, 191, 193, 194
Faber v. The Queen, [1976] 2 S.C.R. 9, 6 N.R. 1, 8 N.R. 29, 27 C.C.C. (2d) 171, 65 D.L.R. (3d) 423, 32 C.R.N.S. 3	160
Fabien v. Dimanche-Matin Ltée, [1979] Que. S.C. 876	273
John Fairfax and Sons Pty. Ltd. v. McRae (1955), 93 C.L.R. 351	101
Farber, Re, (1978), 394 A. 2d. 330, <i>certiorari</i> denied 99 S. Ct. 598 <i>sub nom.</i> New York Times Co. v. New Jersey	250, 266
Farr v. Superior Court of the State of California, County of Los Angeles (1972), 99 Cal. Rptr. 342	266
Feigl, Re; Ex p. Herman (1883), 9 V.L.R. (L.) 143	54
Felkin v. Herbert (1864), 33 L.J. Ch. 294	62
Fennings v. Humphrey (1841), 4 Beav. 1, 49 E.R. 237	192
The "Finance Union" Yorkshire Provident Assurance Co. v. The "Review" Publishers (1895), 11 T.L.R. 167	24, 90
Firth, Re (1979), 4 W.C.B. 142 (Nfld.)	189
Flack v. Pacific Press Ltd. (1970), 14 D.L.R. (3d) 334, 74 W.W.R. 275 (B.C.C.A.)	270
Fleming v. Newton (1848), 1 H.L.C. 363, 9 E.R. 797 (H.L.)	44
Florence Mining Co. v. Cobalt Lake Mining Co. (1909), 18 O.L.R. 275, affd 43 O.L.R. 474 (P.C.)	123

La Foncière Compagnie d'Ass'ce de France v. Perras, [1943] 2 D.L.R. 129, [1943] S.C.R. 165, 10 I.L.R. 45	35
Forsythe v. The Queen (1980), 15 C.R. (3d) 280, 53 C.C.C. (2d) 225, 32 N.R. 520 <i>sub nom.</i> R. v. Forsythe (S.C.C.)	196
Fortin v. Moscarella (1957), 11 D.L.R. (2d) 606, 26 C.R. 409, 23 W.W.R. 91, 119 C.C.C. 121 (B.C.)	33
Fournier v. A.-G. (1919), 19 Que. K.B. 430	67
Fowler v. Fowler and Jackson, [1949] O.W.N. 344 (C.A.)	97
Fraser v. Evans, [1969] 1 Q.B. 349 (C.A.)	277
Gagnon v. Quebec Securities Commission (1965), 50 C.L.R. (2d) 329, [1965] S.C.R. 73	273
Garland v. Torre (1958), 259 F. 2d. 545 (2d. Cir.) <i>certiorari</i> denied 358 U.S. 910	265
Gaskell and Chambers Ltd. v. Hudson, Dodsworth & Co.; R. v. Hudson, Ex p. Gaskell and Chambers Ltd., [1936] 2 K.B. 595	41
Gazette Printing Co. v. Shallow (1909), 41 S.C.R. 339, 6 E.L.R. 348	40, 44, 137, 177
Geary v. Alger (1925), 57 O.R. 218, <i>affd</i> (1925) 58 O.L.R. 39, [1925] 4 D.L.R. 1005	56
General Printers Ltd. v. Thomson (1965), 46 D.L.R. (2d) 697, [1965] 1 O.R. 81	91, 97, 101
Georgius v. Vice Chancellor and Delegates of Oxford University Press, [1949] 1 K.B. 729 (C.A.)	253
Gerson, Re; Re Nightingale, [1946] S.C.R. 538, <i>affd</i> [1946] S.C.R. 547, 3 C.R. 111, 87 C.C.C. 143	87, 195, 279
Glazer v. Union Contractors Ltd. and Thornton (1960), 26 D.L.R. (2d) 349, 34 W.W.R. 690, 129 C.C.C. 150 (B.C.C.A.)	101
Globe and Mail Ltd. v. Boland (1960), 22 D.L.R. (2d) 277, [1960] S.C.R. 203	84, 275
Goldsmith v. Pressdam Ltd. (1976), 120 Sol. Jo. 606	77
Gouriet v. Union of Post Office Workers, [1977] 3 All E.R. 70 (H.L.)	100
Grant v. Monsanto Ltd. (1979), 10 Alta. L.R. (2d) 164	187
Gray v. Alanco Developments Ltd., [1967] 1 O.R. 597, 61 D.L.R. (2d) 652 (C.A.)	42
Green v. Livermore, [1939] O.W.N. 406	274
Greenway v. A.-G. (1927), 44 T.L.R. 124	140, 143
Greenwood, Re (1908), 11 O.W.R. 182	91
Grimwade v. Cheque Bank Ltd. (1897), 13 T.L.R. 305	43, 53, 113
Gronlund v. Hansen (1968), 64 W.W.R. 74, 68 D.L.R. (2d) 223 (B.C.C.A.)	273
Grosvenor Hotel, London, (No. 2), Re, [1964] 3 All E.R. 354 (C.A.)	273

Guest v. Knowles; Re Robertson (1908), 17 O.L.R. 416	50
Hall v. Associated Newspapers Ltd., [1978] S.L.T. 241 (H. Ct. of Justiciary)	48
Hall (falsely called Castleden) v. Castleden (1859), Sea. and Sm. 29	143
Hamel v. The Queen (1978), 9 C.R. (3d) 214 (Que.)	89, 98
Hamilton Harbour Commissioners v. J.P. Porter Co. Ltd., (1976), 13 O.R. (2d) 199, 1 C.P.C. 191, 70 D.L.R. (3d) 535	246
Hamilton v. Quaker Oats Co. (1919), 46 O.L.R. 309	262
Hammond v. Southam Press, unreported, February 19, 1980 (Ont.) (See Appendix D)	43
Hansen v. Nugget Publishers Ltd. (1927), 61 O.L.R. 239, [1927] 4 D.L.R. 791 (C.A.)	44
Harich v. Stamp (1979), 106 D.L.R. (3d) 340, 27 O.R. (2d) 395, 14 C.P.C. 246, 11 C.C.L.T. 49 (C.A.)	35
Harnden, Re; Harnden v. Harnden (1885), 11 P.R. 35	92
Hartmont v. Foster (1881), 8 Q.B.D. 82 (C.A.)	157
Harwood v. Wilkinson, [1931] S.C.R. 141, [1931] 2 D.L.R. 479	285
Hatfield v. Healey (1911), 18 W.L.R. 512, 3 Alta. L.R. 327	56, 105
Hawke, Re (1888), 28 N.B.R. 391	67
Hays v. Weiland (1918), 43 D.L.R. 137, 42 O.L.R. 637 (C.A.)	253, 265, 269
Hebditch v. MacIlwaine, [1894] 2 Q.B. 54	48
Helmore v. Smith (No. 2) (1886), 35 Ch. D. 449	63, 102
Hennessy v. Wright (1888), 21 Q.B.D. 509	274
Hennessy v. Wright (No. 2) (1888), 24 Q.B.D. 445n (C.A.)	253
Herbert v. Lando (1979), 47 L.W. 4401 (U.S.S.Ct.)	255
Hewitt v. Cane (1894), 26 O.R. 133	178
Hickmann v. Maisey, [1900] 1 Q.B. 752	172
Higgins v. Richards (1912), 28 T.L.R. 202	33, 80
Hill and The Queen, Re (1974), 50 D.L.R. (3d) 282, affd 64 D.L.R. (3d) 373n (B.C.C.A.)	90, 101
Hill v. The Queen, [1977] 1 W.W.R. 341, 37 C.R.N.S. 380, 33 C.C.C. (2d) 60 73 D.L.R. (3d) 621, <i>sub nom.</i> R. v. Hill (B.C.C.A.)	101
Hinde, Re; Thornhill v. Steele-Morris (1911), 56 Sol. Jo. 34	33
Hollington v. F. Hewthorn and Co. Ltd., [1943] 2 All E.R. 35 (C.A.)	34, 45
Home Office v. Harman, The Times (November 28, 1980)	166
Homestake Mining Co. v. Texasgulf Potash Co. (1977), 76 D.L.R. (3d) 521, [1977] 3 W.W.R. 198, affd 38 C.R.N.S. 214, [1977] 3 W.W.R. 629, 3 C.P.C. 110, <i>sub nom.</i> R. v. Homestake Mining Co. (Sask. C.A.)	272, 273
Hope v. Brash, [1897] 2 Q.B. 188 (C.A.)	253
Hope v. Sir W.C. Leng and Co. (Sheffield Telegraph) (1907), 23 T.L.R. 243 (C.A.)	55
Hopper v. Dunsmuir (No. 2) (1903), 10 B.C.R. 23 (C.A.)	254, 262
Hubert v. DeCamillis (1963), 41 D.L.R. (2d) 495, 44 W.W.R. 1 (B.C.)	258
Hunt v. Clarke (1889), 58 L.J.Q.B. 490	23
Humphrey v. Archibald (1892), 20 O.A.R. 267	274