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Overview

Legal Research & Resources for LAW 245.2 LRW: CanLII

Welcome to our presentation series for the LAW 245.2 Legal Research and Writing course. In this five video, fifty minute, presentation, you will learn about an online resource called CanLII as well as good legal research strategies and search techniques.

https://vimeo.com/showcase/7624100









Presentation Introduction (1) Starting Your Legal Research (2)

CanLII Research Scenario (3)

Organizing Your Legal Researc...



Law Society Legal Resources



Our dedicated library staff are trained to assist you in finding legal information to suit your needs.

EXPERTISE



We are your legal information navigators, guiding law society members, articling students and the public through our extensive online and print library collection.

NAVIGATION



We offer personalized service through our law libraries conveniently located in the Regina and Saskatoon courthouses.

CONVENIENCE



We have the best online legal resources for law society members in Canada, offering up-to-date legal information through partnerships with legal organizations.

INNOVATION

reference@lawsociety.sk.ca

Instant Chat 1-877-989-4999 or 306-569-8020

lawsociety.sk.ca/legal-resources-library





BAD HABITS
GOOD HABITS



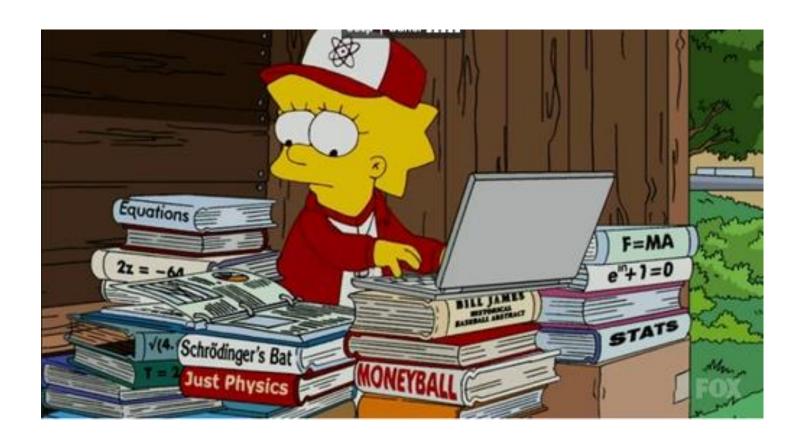
Myth: It's All Online!



"Relax—it's all online."



Reality: It's not quite as straightforward as that





Myth: People Still Use Books?





- Reality: Yes!
 - Online resources can be expensive.
 - Online resources can have limited functionality.
 - Legislative research can be easier with print resources.

eBooks

- Navigable? (usually)
- Searchable (not always)
- Printable (sometimes)
- Copying text? (sometimes, sort of)
- Storable, shareable? (generally not)



Tip: Use secondary resources to energize your legal research

Free to use sources:

- Law Library Catalogue
- CanLII's Commentary

Commercial sources:

- Irwin Law/Emond Publishing ebooks
- Westlaw/Quicklaw ebooks
- Canadian Encyclopedic Digest
- Halbury's Canada

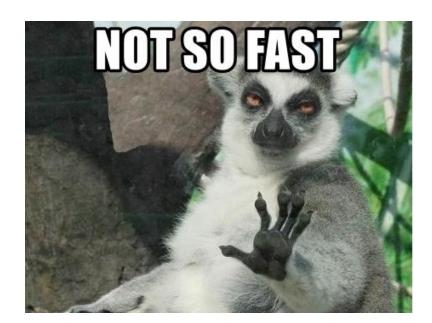


Consider:

• A law library <u>libguide</u>, resource guide, or colleague

Myth: Online Is Easy, Right?

- Reality: Not quite!
 - Effective online research requires at least as much skill and knowledge as print research. The sources are varied in their content, organization, and mode of access.



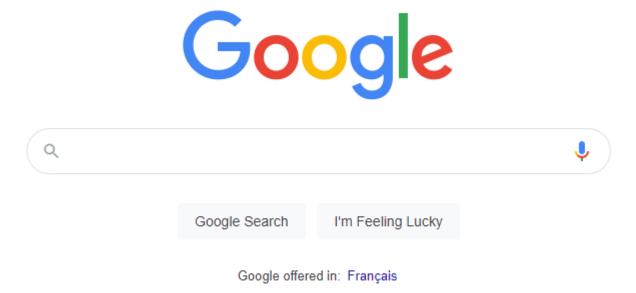


- Tip: Learn to use online and offline resources in tandem
 - It can be difficult to understand how digital resources are organized without any sense of how the corresponding print resources are organized
 - Using Vinyl & Spotify to Understand Legal Information





Myth: Google?





Myth: Google?

Reality: Know when Google will you save time

Goods is.

- Lawyer/firm contact information
- Parallel citations
- American Case law and Articles
- Recent issues in the news
- Accurate
- Credible
- Reliable



Finding out about recent legal developments?

Free to use sources:

- Blogs (<u>LawBlogs.ca</u>)
- CanLII's Commentary
- Google
- Government or court websites

Commercial sources:

- HeinOnline journal articles
- The Lawyer's Daily
- Quicklaw newsletters





Choosing the best **primary law** resource?

Case Law

Legislation

Free to

CanL

Commer

- Quick
- West

Consider:

- Case digesting newsletter (<u>Saskatchewan CaseMail</u>)
- Quicklaw Newsletters
- The Canadian Abridgment (Westlaw)

vLex Canada

Saskatchewan Assembly of ran

- Justice Laws
- Legisinfo



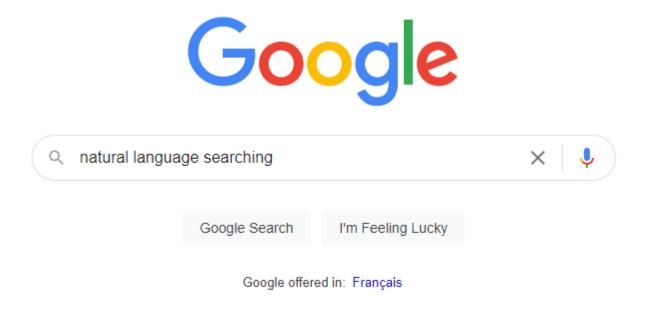
- How do the free and commercial resources compare?
 - Primary law coverage across Canada's free and commercial legal databases (CanLII, Quicklaw, Westlaw, etc.) is largely comparable with similar coverage being offered.
 - Commercial resources far exceeds free resources in terms of the:
 - Digital commentary content available



	CanLII	Quicklaw	vLex	Westlaw
Cost	Free	Commercial	Commercial	Commercial
Who?	Public	Commercial	Commercial	Commercial
Searchability	Comparable	Comparable	Comparable	Comparable
Case Law	Comparable	Comparable	Comparable	Comparable
Legislation	Comparable	Comparable	Ontario Only	Comparable
Commentary	 CanLII author's program CanLII Connects case digests Growing collection of miscellaneous and older commentary 	 Case law headnotes Dictionaries Drafting materials Halsbury's Laws of Canada Legislative concordances Multiple eTexts & commentary Practical guidance Quantums QuickCite 	 Irwin Law eBooks Vincent 	 Articles & newsletters Canadian Abridgment Canadian Encyclopedia Digest Case law digests Citing references Criminal Source Employment Source Estates Source Family Source ICLL Labour Source O'Brien's Forms Words & Phrases



Myth: Boolean Searching Isn't Worth It!





 Reality: Boolean operators offer more precision and efficiency. Common search syntax include:

AND robbery AND weapon

OR (armed OR weapon OR knife OR gun)

" " "child of marriage"

() (drugs OR "controlled substance")

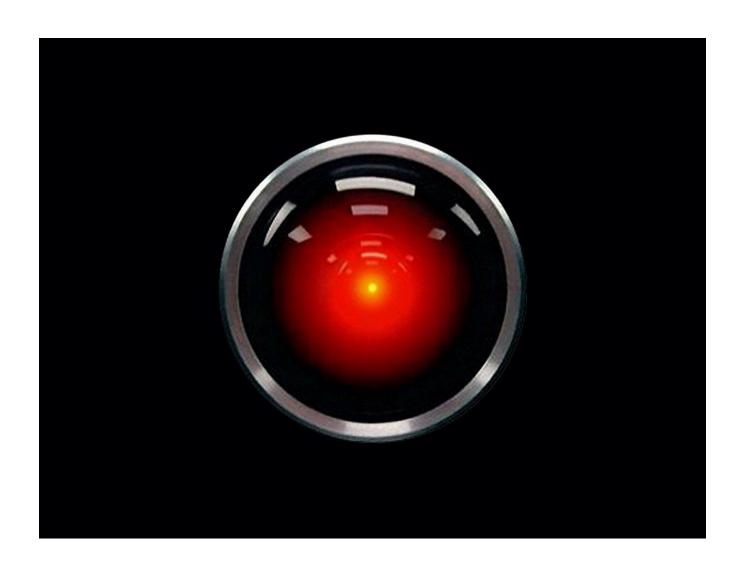
• creat! creature, creation, create, creating, etc

/p officer /p ask

/5 officer /5 ask



Myth: Legal Research AI?







canadian **Lawyer**°

https://www.canadianlawyermag.com/news/general/artificial-intelligence/270447

Al will change the legal profession, just not how you are expecting. Fernando Garcia is looking forward to the day when he can get his hands on Beagle, an automated contract analysis system powered by artificial intelligence that reads contracts in seconds, highlights key information visually with easy-to-read graphs and charts and gets "smarter" with each reviewed contract.

Al will change the legal profession, just not how you are expecting.

Fernando Garcia is looking forward to the day when he can get his hands on Beagle, an automated contract analysis system powered by artificial intelligence that reads contracts in seconds, highlights key information visually with easy-to-read graphs and charts and gets "smarter" with each reviewed contract. Also on his bucket list is an offering by yet another Canadian legal tech startup, Blue J Legal, that also uses Al to scan legal documents, case files and decisions to predict how courts will rule in tax decisions. At a time when the majority of in-house counsel are under intense pressure to shave costs and run a lean team, such powerful tools are a godsend.





Scenario: Secondary Sources



Scenario

Our Scenario:

A man variou namin of the beque which in the Does t

Legal research:
Is iterative
Is messy
Includes mistakes and missteps
Has multiple starts and stops

Isn't static
Rarely complete after the first
attempt

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Secondary Sources



Primary Law



FIND Y

Q- Enter search terms, citations, databases, anything ...



All Content

Primary Source

Cases and Dec

Securities Rea Bulletins

Commentary

Canadian Ency

Articles and Ne

Causes of Actio

Court Docume

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Forms and Pre

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Solicitor's Core

Finding Tools

Browse Legal Top

Canadian Abridamer

Legislative Concordances

Legislative Watch

COVID-19 Legal Materials

Canadian Encyclopedic Digest

- Comprehensive legal encyclopedia
- Excellent starting point for legal research
- Broad overview, leading cases, and current legislation

Research and Writing Tools

Charter Rights Legal Materials

Canadian Guide to Uniform Legal Citation (McGill Guide)

Defined Terms (Cases and Legislation)



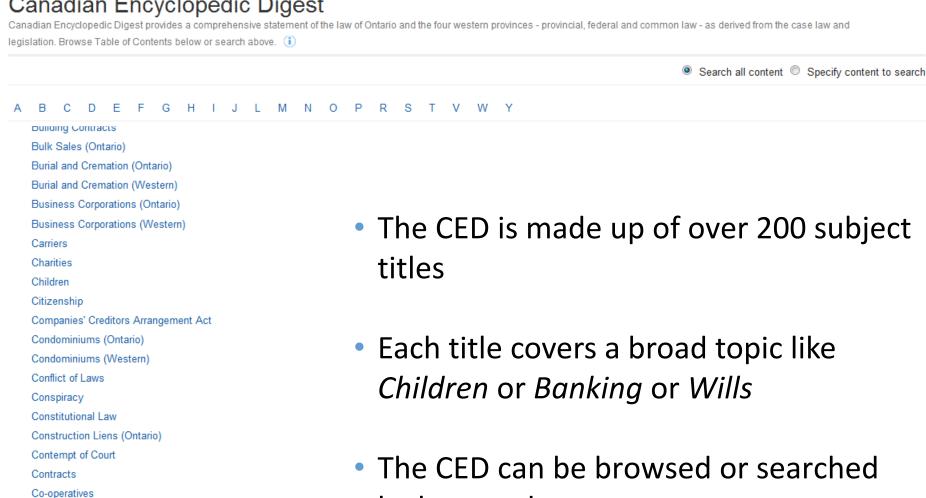
Copyright

Courts (Ontario)

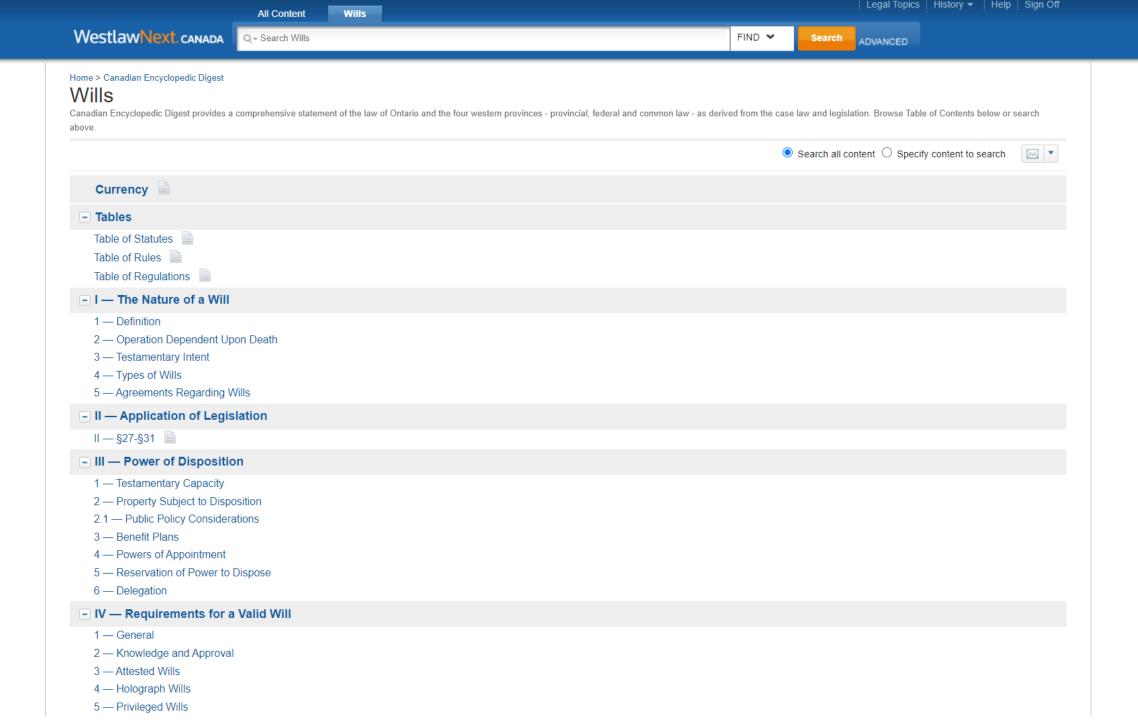
Costs

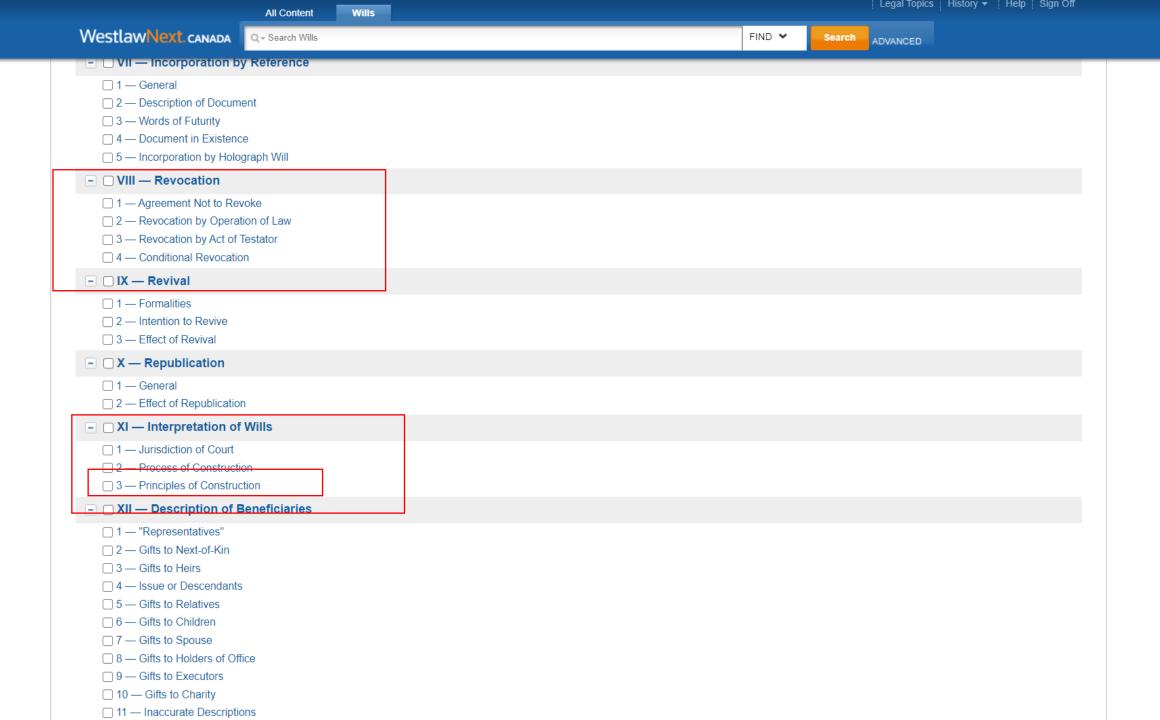
Coroners and Medical Examiners

Canadian Encyclopedic Digest



by keyword





Q - Search 3 — Principles of Construction

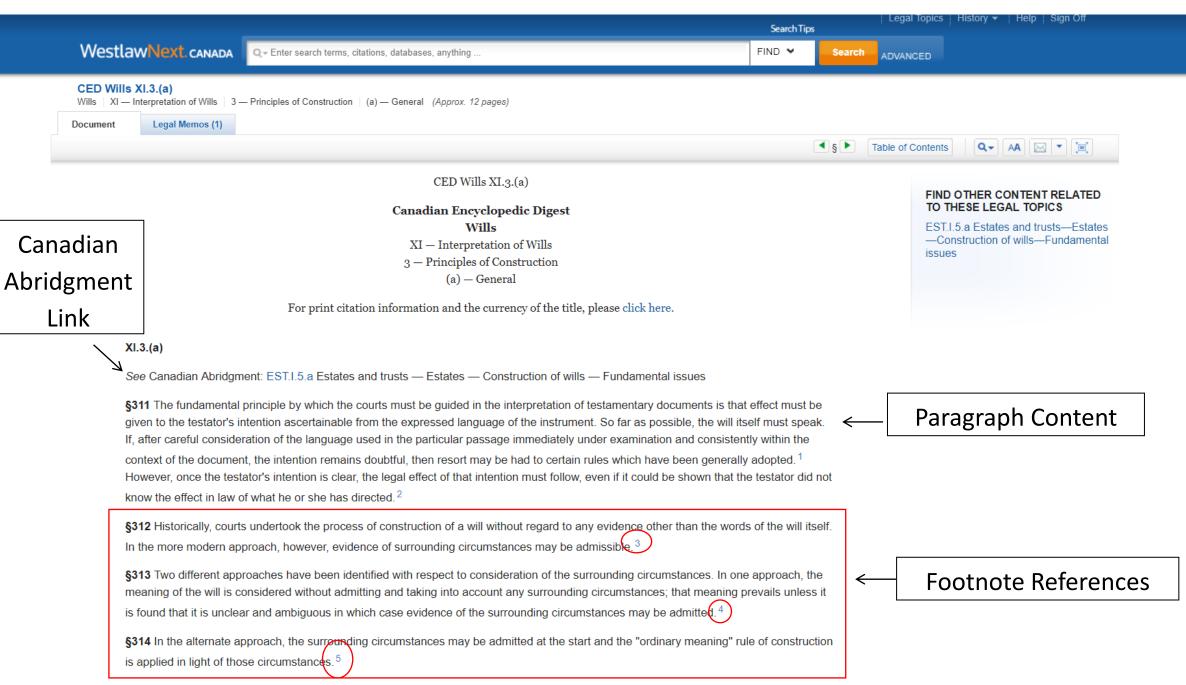
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FIND 🕶

Search

ADVANCED

Home > Canadian Encyclopedic Digest > Wills > XI — Interpretation of Wills 3 — Principles of Construction Canadian Encyclopedic Digest provides a comprehensive statement of the law of Ontario and the four western provinces - provincial, federal and common law - as derived from the case law and legislation. Browse Table of Contents below or search ☐ Select all content Collapse All - □ (a) — General □XI.3.(a) — §311-§321.1 🖺 - (b) — Language of Wills □ XI.3.(b) — §322-§325 🖺 - (c) — Presumptions (i) — Will Speaking from Death (ii) — Construction Against Intestacy (iii) — Construction Against Disinheritance (iv) — Irreconcilable Clauses (v) — Double Legacies By Preferences I Getting Started Transfer My Data Preferences Basculer vers l'interface française Française Française THOMSON REUTERS Copyright © Thomson Reuters Canada Limited or its licensors (excluding individual court documents). All rights reserved. | Privacy | Accessibility | Contact Us



§315 The evidence regarding "surrounding circumstances" refers only to indirect extrinsic evidence ("armchair evidence") such as the

CED Wills XI.3.(a)

Wills XI — Interpretation of Wills 3 — Principles of Construction (a) — General (Approx. 12 pages)

Document

Legal Memos (1)



- 3 Lecky Estate v. Lecky (2011), 2011 CarswellAlta 2230 (Alta. Q.B.); Smith v. Home of the Friendless (1932), 1932 CarswellOnt 70 (S.C.C.) (duty of court is to ascertain intention of testator, which intention is to be collected from whole will taken together; in construing language of testator where ambiguous, court can consider not only provisions of will, but also circumstances surrounding and known to testator at time when will made, and adopt meaning most intelligible and reasonable as being testator's intention); Grand Estate, Re (1945), 1945 CarswellOnt 319 (Ont. H.C.); Oosterhoff, Oosterhoff on Wills and Succession, 7th ed. (Carswell, 2011), pp. 487-500.
- Haidl v. Sacher (1979), 1979 CarswellSask 131 (Sask. C.A.); Dice v. Dice Estate (2012), 2012 CarswellOnt 8608 (Ont. 4 C.A.) (golden rule in interpreting wills is to give effect to testator's intention as ascertained from language used, having regard to will as whole; where intention cannot be ascertained from plain meaning of language used, court may consider surrounding circumstances known to testator when will made, known as "armchair rule"); Moffet Estate v. Irwin (2011), 2011 CarswellOnt 9361 (Ont. S.C.J.) (court should have regard to clear terms of will and only take into account surrounding circumstances when terms of will are unclear); Smith Estate, Re (2010), 2010 CarswellBC 500 (B.C. C.A.); TLC The Land Conservancy of British Columbia Inc. No. S36826, Re (2014), 2014 CarswellBC 3568 (B.C. C.A.).
- Haidl v. Sacher (1979), 1979 CarswellSask 131 (Sask. C.A.) (second approach is most likely to elicit testator's intention 5 and for that reason is more desirable approach); Wernicke v. Quirk (2011), 2011 CarswellSask 551 (Sask. C.A.) (correct approach in Saskatchewan is to admit evidence of surrounding circumstances at start and apply "ordinary meaning" rule of construction on that context; generally only indirect evidence is admissible because primary evidence of testator's intention is will itself); Marks v. Marks (1908), 1908 CarswellBC 61 (S.C.C.) (court bound to read language of testator in light of all circumstances that surrounded and were known to testator at time, and to give effect to intention so disclosed); Lecky Estate v. Lecky (2011), 2011 CarswellAlta 2230 (Alta. Q.B.); Davis, Re (1983), 1983 CarswellAlta 290

Wills

Canadian Encyclopedic Digest provides a comprehensive statement of the law of Ontario and the four western provinces - provincial federal and common law - as derived from the case law and legislation. Browse Table of Contents below or

search above.		
☐ Select all content ☐ Collapse All	Search all content	\square
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- □ Tables		
 □ Table of Statutes □ Table of Rules □ Table of Regulations 		
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 □ 1 — Definition □ 2 — Operation Dependent Upon Death □ 3 — Testamentary Intent □ 4 — Types of Wills □ 5 — Agreements Regarding Wills 		
- □ II — Application of Legislation		
□ II — §27-§31 🖺		
- III — Power of Disposition 1 — Testamentary Capacity		
2 — Property Subject to Disposition 2.1 — Public Policy Considerations		



Home > Canadian Encyclopedic Digest > Wills

Advanced Search: Wills

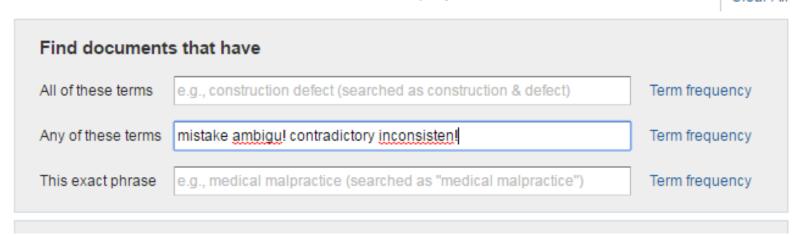
Use the fields below to build a Boolean Terms & Connectors query. Clear All **Connectors and Expanders** Find documents that have AND e.g., construction defect (searched as construction & defect) Term frequency All of these terms OR or Preceding within sentence +8 Any of these terms e.g., physician surgeon (searched as physician OR surgeon) Term frequency In same paragraph /p Phrase This exact phrase e.g., medical malpractice (searched as "medical malpractice") Term frequency Preceding within paragraph +p % But not /n Within n terms of Exclude documents that have Root expander Preceding within n terms of +n These terms Universal character Prefix to turn off plurals and equivalents CED Title CED Classification

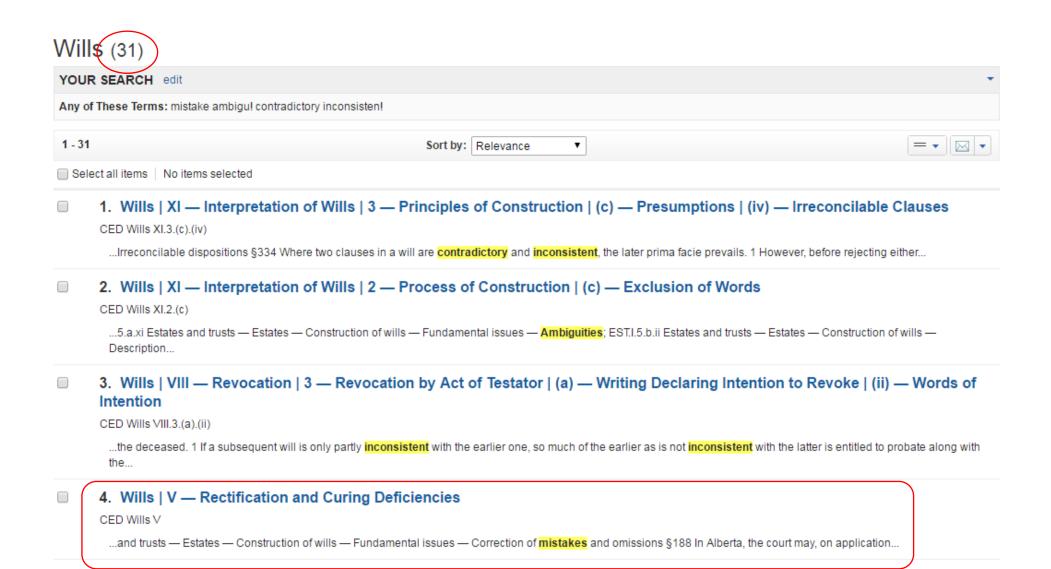
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Advanced Search: Wills

Use the fields below to build a Boolean Terms & Connectors query.

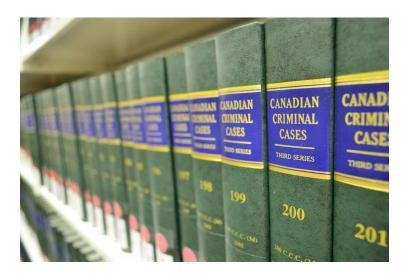
Clear All





Law Society of Saskatchewan

Scenario: Case Law



- Your Keyword Search Strategy:
- Step 1: Brainstorm for keywords
- Step 2: Identify concepts
- Step 3: Create query and execute search
- Step 4: Analyze results
- Step 5: Reformulate search



- Your Keyword Search Strategy:
- Step 1: Brainstorm for keywords
- Will, estate, codicil, construction, interpretation, gift, bequest, donation, residual, cancel, revoke, negate, mistake, error, ambiguity



- Your Keyword Search Strategy:
- Step 2: identify key concepts, grouping synonyms
- CONCEPT 1 = estates & wills
- CONCEPT 2 = Construction / interpretation
- CONCEPT 3 = Gift / bequest / donation
- CONCEPT 4 = cancel / revoke / negate
- CONCEPT 5 = mistake / error / ambiguity



- Your Keyword Search Strategy:
- Advanced Search Formula:
- (1a OR 1b OR 1c) AND (2a OR 2b OR 2c) AND (3a OR 3b OR 3c)
- 1 and 2 and 3 are distinct CONCEPTS
- 1a, 1b, 1c are variants of CONCEPT 1



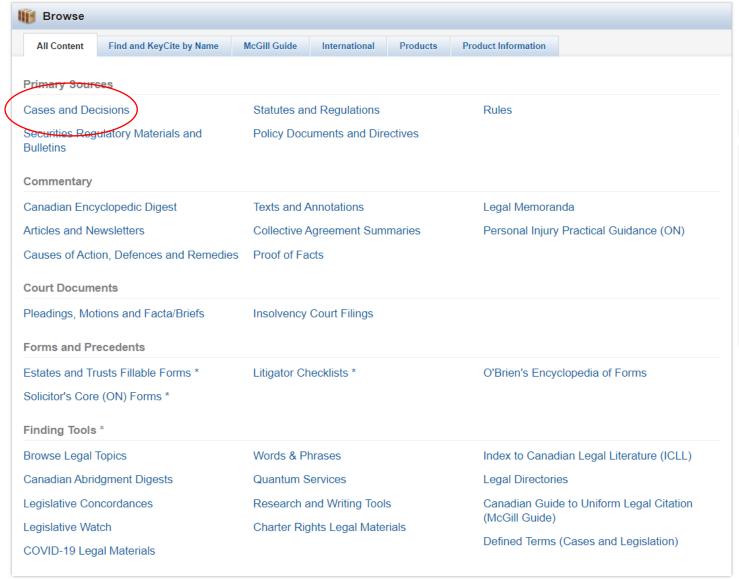
- Your Keyword Search Strategy:
- Advanced Search Formula:
- Adv: (construction or interpretation) & (gift or bequest or donation) & (cancel! or revoke or revoca! or negat!)



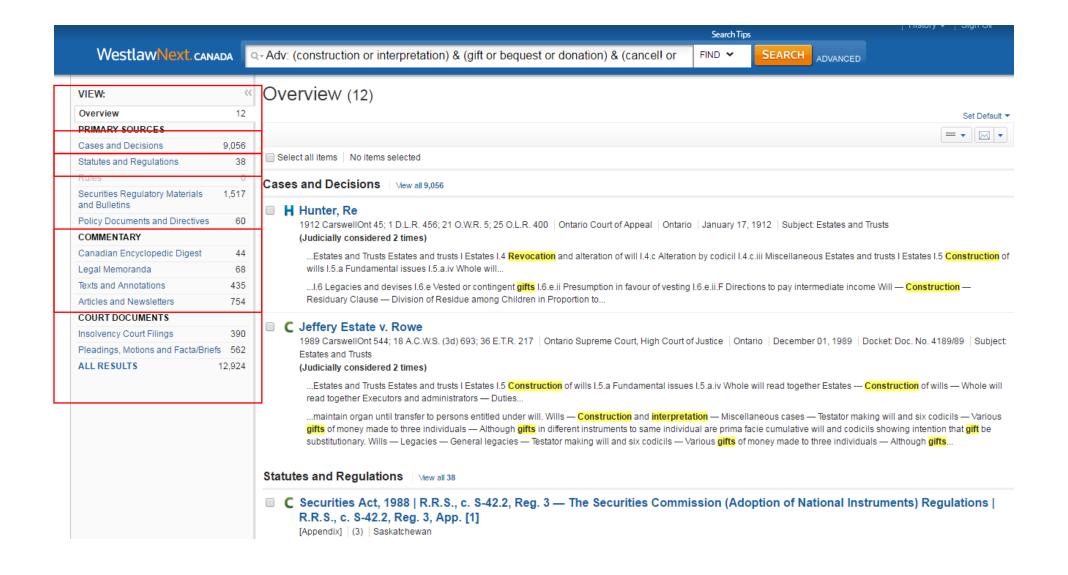
Westlaw Next CANADA

Adv: (construction or interpretation) & (gift or bequest or donation) & (cancell or revoke or revocal or negatl)











...Estates and Trusts Estates and trusts I Estates I.4 Revocation and alteration of will I.4.a Revocation I.4.a.v By divorce Estates --- Revocation and alteration of will -- Revocation -- By divorce Wills -- Construction -- Gift to my husband [AB]" -- Subsequent divorce --- Effect of gift. The testatrix left the universality of her goods to "my...

...after the divorce would indicate an intention to maintain the gift, such reasoning could not be relied upon here, where the...

■ H 4. Norman Estate v. Watch Tower Bible and Tract Society of Canada

2013 CarswellBC 3493; 2013 BCSC 2099; [2014] B.C.W.L.D. 251; [2014] B.C.W.L.D. 252; [2014] B.C.W.L.D. 253; 235 A.C.W.S. (3d) 861; 55 B.C.L.R. (5th) 196 | British Columbia Supreme Court | British Columbia | October 17, 2013 | Docket: New Westminster S146205 | Subject: Estates and Trusts; Corporate and Commercial; Civil Practice and Procedure

...his wife ("donors") were practising Jehovah's Witnesses who made regular donations to defendant, registered charity representing Jehovah's Witnesses — Pursuant to conditional donation agreement, donors made conditional donation of \$200,000 to defendant; but should donors have personal need, they could request return of donation — Donors advanced total of \$310,000 to defendant, of which \$60,000...

...was converted to outright contributions for which they received charitable donation receipts — When donors had both died, defendant issued charitable donation receipt for balance of \$250,000 in conditional donation — Plaintiff, administrator of deceased's estate, applied for orders that conditional donations were testamentary dispositions and were invalid for failure to comply with s. 4 of Wills Act — Application dismissed — Conditional donations were not testamentary dispositions, as donors intended agreement to have immediate effect — Agreement evidenced gift...

■ C 5. Bates v. Oryshchuk

2009 CarswellAlta 1923; 2009 ABQB 688; [2010] A.W.L.D. 694; 183 A.C.W.S. (3d) 303; 18 Alta. L.R. (5th) 306; 485 A.R. 379; 54 E.T.R. (3d) 207 | Alberta Court of Queen's Bench | Alberta | November 23, 2009 | Docket: St. Paul ES14-02245 | Subject: Estates and Trusts; Corporate and Commercial

(Judicially considered 2 times)

...Corporate and Commercial Estates and trusts I Estates I.5 Construction of wills I.5.b Description of property I.5.b.i Definitions I.5.b.i.I "Personal property" Estates and trusts --- Estates — Construction of wills — Description of property — Definitions — "Personal property" O executed...

...s. 7 of Wills Act — Second will did not contain revocation clause, but intention to revoke could still be inferred — "Personal assets", determined in context to...

C 6. Public Television Assn. of Quebec v. Minister of National Revenue

2015 CarswellNat 3184; 2015 CarswellNat 7670; 2015 CAF 170; 2015 FCA 170; [2015] 6 C.T.C. 179; 2015 D.T.C. 5085; 255 A.C.W.S. (3d) 786; 475 N.R. 319 | Federal Court of Appeal | Federal | July 22, 2015 | Docket A-406-13 | Subject Income Tax (Federal)

...tax II.22 Special rules II.22.e Charities II.22.e.vii Revocation of registration II.22.e.vii.C Grounds Tax --- Income tax — Special rules — Charities — Revocation of registration — Grounds Registered charity's objects included advancement of education...

...adjustments — Agent conducted its own fundraising and merely assigned Canadian donations to charity — CRA upheld Minister's proposal under s. 168(1) of Income Tax Act to revoke charity's registration as charity on ground that charity had failed...

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oubject. Estates and musts

...Estates and Trusts Estates and trusts I Estates I.4 Revocation and alteration of will I.4.a Revocation I.4.a.vi Dependent relative revocation Estates and trusts I Estates I.4 Revocation and alteration of will I.4.b Alteration on face of will I.4.b.ii Effect of obliteration Estates --- Revocation and alteration of will — Revocation — Dependent relative revocation Estates --- Revocation and alteration of will — Alteration on face of will — Effect ...

...of obliteration Whether lines drawn through initials and solicitor's name cancelled the will or part thereof. Whether doctrine of dependent relative revocation applies. The testator, John Johannsson, also known as Johnnie Walker...

8. Milburn v. Grayson

1920 CarswellSask 73; [1920] 2 W.W.R. 518; 13 Sask. L.R. 289 | Saskatchewan Court of Appeal | Saskatchewan | May 03, 1920 | Subject: Estates and Trusts

...1920 CarswellSask 73 1920 CarswellSask 73 Most Negative Treatment: Reversed Most Recent Reversed: Milburn v. Grayson | 1921 CarswellSask...

...16.a General principles Estates and trusts I Estates I.4 Revocation and alteration of will I.4.c Alteration by codicil I...

H 9. Bernesky v. Smith

2003 CarswellSask 146; 2003 SKQB 96; [2003] 7 W.W.R. 453; [2003] W.D.F.L. 216; [2003] S.J. No. 151; 122 A.C.W.S. (3d) 404 | Saskatchewan Court of Queen's Bench | Saskatchewan | March 03, 2003 | Docket: Battleford SUR. 101/02 | Subject: Estates and Trusts; Family (Judicially considered 4 times)

...and Trusts; Family Estates and trusts I Estates I.4 Revocation and alteration of will I.4.a Revocation I.4.a.i General principles Estates --Revocation and alteration of will — Revocation — General Deceased and applicant cohabited from 1977 to deceased's death...

...applied — Section 17(1)(b) of Wills Act operates to revoke testator's will only where two year anniversary of continuous cohabitation...

■ H 10. Johnson, Re

1957 CarswellSask 16; 21 W.W.R. 289; 8 D.L.R. (2d) 221 | Saskatchewan Court of Appeal | Saskatchewan | March 19, 1957 | Subject: Estates and Trusts

(Judicially considered 10 times)

...Thereby on Survivor — Whether Irrevocable — Will of Survivor Purporting to Revoke Joint Will. Judgments — Interpretation — When Reasons and Affidavits Incorporated in Reasons May Be Referred...

...1947. The executor, being in doubt as to the proper construction of the will, applied to a Queen's Bench judge in...

□ C 11. Ruse Estate, Re

Cases and Decisions (405)



...2002 SKCA 53, 2002 CarswellSask 246 2002 SKCA 53 Most Negative Treatment: Distinguished Most Recent Distinguished: Fuchs v. Fuchs | 2013 ABQB...

...XIV.7.c Miscellaneous Estates and trusts I Estates I.5 Construction of wills I.5.a Fundamental issues I.5.a.v Ordinary and...

...I.5.a.v.B Miscellaneous Estates and trusts I Estates I.5 Construction of wills I.5.d Practice and procedure on application for construction of will I.5.d.iv Evidence I.5.d.iv.C Miscellaneous Estates and...

...I.9.c Application for probate I.9.c.i General principles Estates --- Construction of wills — General principles — Ordinary and natural meaning of words...

C 2. McLean Estate, Re

1992 CarswellSask 382; [1993] 3 W.W.R. 132; 106 Sask. R. 173; 47 E.T.R. 310 | Saskatchewan Surrogate Court | Saskatchewan | November 16, 1992 | Docket: Doc. Humboldt 31/92 | Subject: Estates and Trusts (Judicially considered 1 time)



■ C 2. McLean Estate, Re

1992 CarswellSask 382; [1993] 3 W.W.R. 132; 106 Sask. R. 173; 47 E.T.R. 310 | Saskatchewan Surrogate Court | Saskatchewan | November 16, 1992 | Docket: Doc. Humboldt 31/92 | Subject: Estates and Trusts

(Judicially considered 1 time)

- ...Estates and Trusts Estates and trusts I Estates I.4 Revocation and alteration of will I.4.a Revocation I.4.a.i General principles Estates and trusts I Estates I.5 Construction of wills I.5.b Description of property I.5.b.i Definitions I.5.b.i.K "Contents" Estates --- Revocation and alteration of will Revocation Estates --- Construction of wills Description of property "Contents" Wills and estates Wills Revocation Testator's verbal expression of desire to change will and revoke...
- ...contents of the metal box. Held: Both questions answered in negative. Under s. 17 of the Wills Act, a will may...

C 3. Zinn v. Bergren

2012 CarswellSask 366; 2012 SKQB 214; 215 A.C.W.S. (3d) 257; 397 Sask. R. 183; 78 E.T.R. (3d) 263 | Saskatchewan Court of Queen's Bench | Saskatchewan | May 24, 2012 | Docket: Moose Jaw Q.B.S. 115/11 | Subject: Estates and Trusts; Civil Practice and Procedure (Judicially considered 1 time)

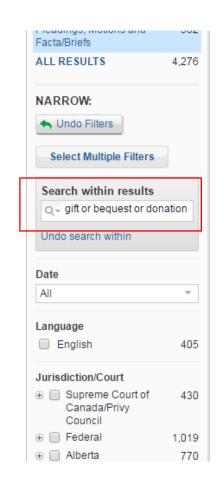
- ...Practice and Procedure Estates and trusts I Estates I.4 Revocation and alteration of will I.4.a Revocation I.4.a.iii By subsequent instrument I.4.a.iii.A Holograph instrument Estates and trusts I Estates I.4 Revocation and alteration of will I.4.c Alteration by codicil I...
- ...I Estates I.6 Legacies and devises I.6.g Residuary gifts I.6.g.i Form of residuary gift I.6.g.i.B Intention of testator Estates and trusts I Estates I.6 Legacies and devises I.6.g Residuary gifts I.6.g.iv Conflicting residuary gifts Estates and trusts II Trusts II.5 Purpose trust II...

4. Cunningham Estate, Re

1963 CarswellSask 65; 44 W.W.R. 421 | Saskatchewan Court of Queen's Bench | Saskatchewan | August 22, 1963 | Subject: Estates and Trusts

(Judicially considered 1 time)

...1963 CarswellSask 65 1963 CarswellSask 65 Most Negative Treatment: Not followed Most Recent Not followed: Stanners, Re | 1978...



C 3. Zinn v. Bergren

2012 CarswellSask 366; 2012 SKQB 214; 215 A.C.W.S. (3d) 257; 397 Sask. R. 183; 78 E.T.R. (3d) 263 | Saskatchewan Court of Queen's Bench | Saskatchewan | May 24, 2012 | Docket: Moose Jaw Q.B.S. 115/11 | Subject: Estates and Trusts; Civil Practice and Procedure (Judicially considered 1 time)

...I Estates I.6 Legacies and devises I.6.g Residuary gifts I.6.g.i Form of residuary gift I.6.g.i.B Intention of testator Estates and trusts I Estates I.6 Legacies and devises I.6.g Residuary gifts I.6.g.iv Conflicting residuary gifts Estates and trusts II Trusts II.5 Purpose trust II...

...executed will dated July 7, 2003 — Will made several specific bequests of personal property, directed estate to provide for care of...

4. Cunningham Estate, Re

1963 CarswellSask 65; 44 W.W.R. 421 | Saskatchewan Court of Queen's Bench | Saskatchewan | August 22, 1963 | Subject: Estates and Trusts

(Judicially considered 1 time)

...of estate created — Absolute or life estate Wills — Apparent Absolute Bequest Followed by Bequest of Same Estate — Whether Absolute or Life Estate with Power of Appointment — Doctrine of Repugnancy Inaplicable Where One Bequest Has Lapsed. Testator herein first bequeathed everything to his wife...

...undisposed of proceeded to bequeath such portion. Held, if the **gift** to the widow was absolute then it lapsed because of her death prior to testator's and the subsequent **gift** was effective; and, since the **gift** to the widow had failed, the doctrine of repugnancy had no application. The **gift** to the widow, however, was not absolute, but was merely...

■ H 5. Oh v. Robinson

374 Sask. R. 175; 70 E.T.R. (3d) 117; 2011 CarswellSask 347; 2011 SKQB 200; [2011] 9 W.W.R. 538; 202 A.C.W.S. (3d) 872 | Saskatchewan Court of Queen's Bench | Saskatchewan | May 18, 2011 | Docket: Saskatoon Q.B.G. 1028/03 | Subject: Estates and Trusts; Property (Judicially considered 4 times)

...have separate date — By virtue of such statement, all specific bequests to such beneficiary were deleted from holograph will. Estates and...

- Your Keyword Search Strategy:
- Step 4: Analyze Results
- The term "negat!" netted many irrelevant hits using the word "negative"
- The term "donation" wasn't really helping, so we can eliminate it
- "construction" and "interpretation" are good terms, but only when used in proximity to the word "will"

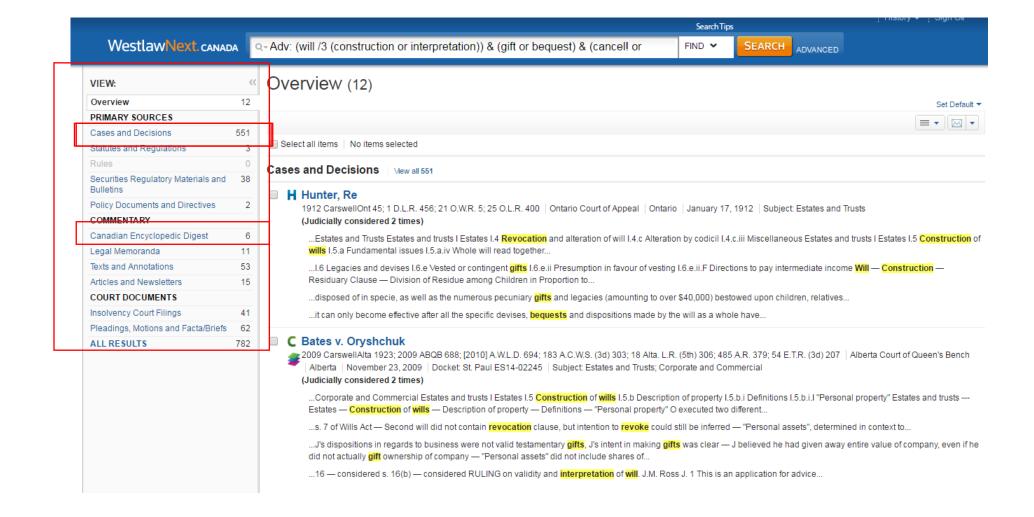


Your Keyword Search Strategy:

Step 5: Reformulate Search

 Adv: (will /3) (construction or interpretation)) & (gift or bequest) & (cancel! or revoke or revoca!)





-		
	Newfoundland & Labrador	12
	⊕	1
	⊕ Nova Scotia	37
	⊕ ☐ Ontario	175
	Prince Edward Island	7
	⊕ Quebec	18
	⊕ ☐ Saskatchewan	52
Ĭ	⊕ ☐ Yukon Territory	1
	Court Level	
	 Appeal Courts (plus 	119
	SCC)	
	Non-Appeal Courts	418
	 Boards and Tribunals 	14
	Subject Area	
	 Churches and Religious 	1
	Institutions	
	Civil Practice and	81
	Procedure	
	Constitutional	16
	Contracts	32
	Corporate and	40
	Commercial	
	Criminal	4
7	Employment	- 5
	 Estates and Trusts 	459
٦	Evidence	21
	Family	43
- 1		

(Judicially considered 1 time)

- ...Estates and Trusts Estates and trusts I Estates I.4 Revocation and alteration of will I.4.c Alteration by codicil I.4.c.i Effect on will I.4.c.i.A

 General principles Estates --- Revocation and alteration of will Alteration by codicil Effect on will Codicil operating to revoke gift made by will. Obviously there must be a necessary revocation of a devise or bequest made by a will if the same property is left...
- ...for subsequent dispositions made by codicil to operate as a revocation of a previous gift made by will, there should be a clear and manifest...
- ...of said policies. 2 With the exception of a specific bequest to his wife of his household goods and effects the...
- ...terms of the will would still be applicable to his bequest, the equal division between the children; the taking by survivorship...

C 5. McLeod v. McNab

1891 CarswellNS 78; [1891] A.C. 471; C.R. [10] A.C. 156 | Judicial Committee of the Privy Council | Nova Scotia | July 07, 1891 | Docket: None given. | Subject: Criminal; Estates and Trusts

(Judicially considered 5 times)

- ...XI.7.d Miscellaneous Estates and trusts I Estates I.4 Revocation and alteration of will I.4.c Alteration by codicil I.4.c.iii Miscellaneous Estates and trusts I Estates I.5 Construction of wills I.5.d Practice and procedure on application for construction of will I.5.d.iv Evidence I.5.d.iv.C Miscellaneous Lord Hannen 1 The...
- ...the 17th of July, 1880. That will contained a residuary bequest to Dalhousie College. The appellant is the executor of Archibald...
- ...disposed of by the testator. He says that the residuary bequest to Dalhousie College was revoked by a codicil of the...
- ...purpose their Lordships assume that this codicil did contain a **revocation** of the residuary **bequest**; although undoubtedly, as pointed out by the learned judges in the Court below, the terms of that **revocation** are unknown, and it does not appear whether it was by express words of **revocation**, or by the substitution of some other **gift** in its place. Assuming there was such a **revocation**, the testator, on the 21st of July, 1882, made another...

■ C 6. Jeffery Estate v. Rowe

1989 CarswellOnt 544; 18 A.C.W.S. (3d) 693; 36 E.T.R. 217 | Ontario Supreme Court, High Court of Justice | Ontario | December 01, 1989 | Docket: Doc. No. 4189/89 | Subject: Estates and Trusts

(Judicially considered 2 times)

- ...Estates and Trusts Estates and trusts I Estates I.5 Construction of wills I.5.a Fundamental issues I.5.a.iv Whole will read together Estates --Construction of wills Whole will read together Executors and administrators Duties and powers...
- ...insure and maintain organ until transfer to persons entitled under will. Wills Construction and interpretation Miscellaneous cases Testator making will and six codicils Various gifts of money made to three individuals Although gifts in different instruments to same individual are prime facile cumulative will and codicile showing intention that gift he substitutionary. Wills Logacine Construction

- Your Keyword Search Strategy:
- Step 4: Analyze Results
- The concepts of gift/bequest and revoke/cancel do not interact enough
- The highly relevant Haidl v.
 Sacher SKCA case is not present in results

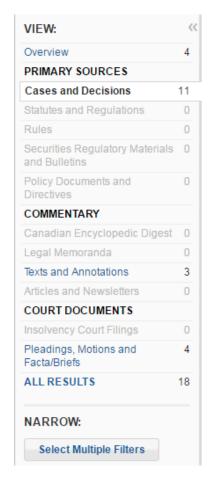


Your Keyword Search Strategy:

Step 5: Reformulate Search

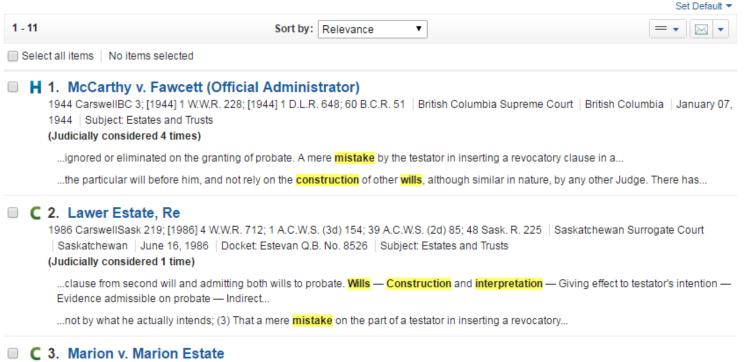
 Adv: (will /3 (construction or interpretation)) & ((gift or bequest) /5 (cancel! or revoke or revoca!)) & mistake





Cases and Decisions (11)

(Judicially considered 2 times)



2009 CarswellOnt 1131; 175 A.C.W.S. (3d) 929; 49 E.T.R. (3d) 128 Ontario Superior Court of Justice Ontario February 09, 2009 Docket:

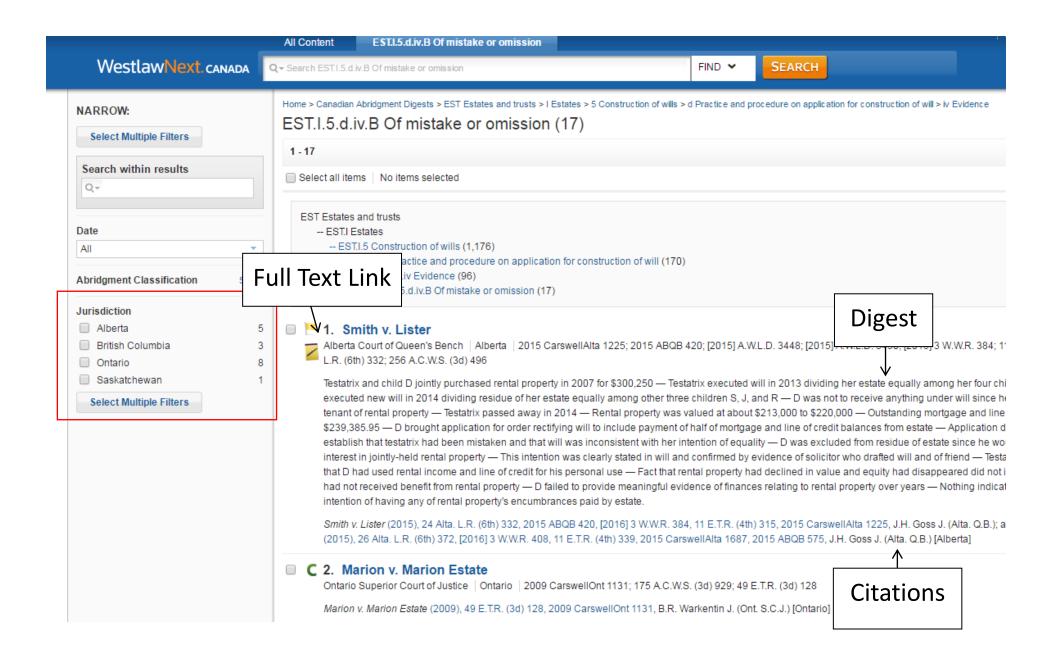
Thunder Bay CV-08-103 | Subject: Estates and Trusts; Civil Practice and Procedure

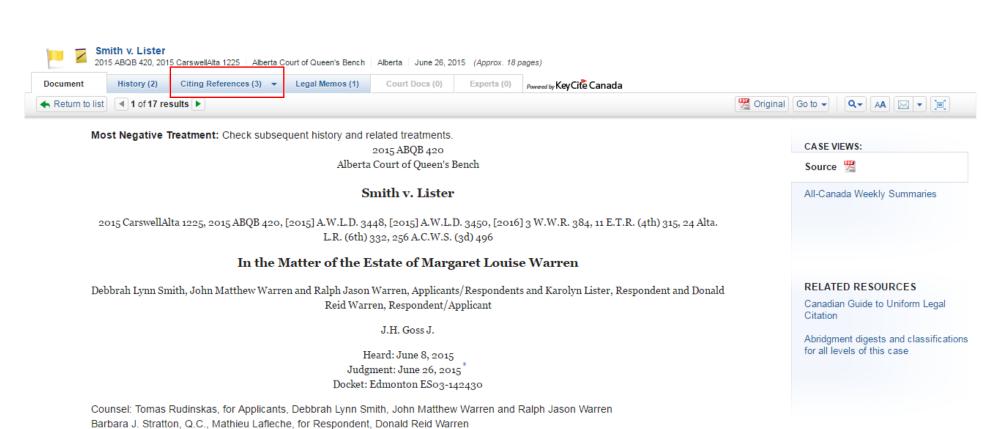
Canadian Abridgment
Digests

Estates and trusts
EST.I.5.a.ii.B Testator's
intentions given effect Miscellaneous

Estates and trusts
EST.I.5.a.viii Fundamental
issues - Irreconcilable
dispositions

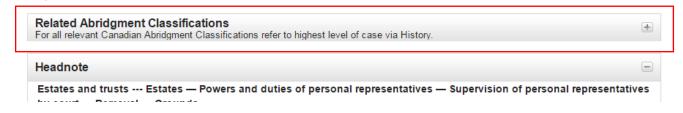
Estates and trusts
EST.I.5.d.iv.B Evidence - Of
mistake or omission





Doris C.E. Bonora, for Respondent, Karolyn Lister

Subject: Civil Practice and Procedure; Estates and Trusts; Evidence



Your Turn

- Scenario:
- A Saskatchewan couple is divorced after 22 years of marriage.
 They have one adult child attending university, who lives with
 the mother, and has had no contact with the father for more
 than 5 years. The father claims that the mother has actively
 prevented contact between father and child, and would like to
 stop child support payments.
- 1. Are there any commentary sources?
- 2. Locate Saskatchewan case law authorities on point.
- 3. Is there a relevant provincial statute or regulation?
- 4. Is there a relevant federal statute or regulation?



Your Turn

- Scenario Questions:
- A Saskatchewan couple is divorced after 22 years of marriage.
 They have one adult child attending university, who lives with
 the mother, and has had no contact with the father for more
 than 5 years. The father claims that the mother has actively
 prevented contact between father and child, and would like to
 stop child support payments.
- 1. How did you feel about the search? (i.e., successes, concerns, frustrations?)
- 2. Was your search iterative? (Did your mistakes and missteps lead to a revised search and better results?)
- 3. Where did you get stuck?

