## Contents

Excerpt from Introduction to the Study of the Law of the Constitution .............................................. 1  
What is Constitutionalism? .................................................................................................................. 5  
American Constitutionalism ............................................................................................................. 13  
The Law and the Constitution ........................................................................................................... 25  
"Grand Entrance Hall," Back Door or Foundation Stone? The Role of Constitutional Principles in ...... 37  
Construing and Applying the Constitution of Canada  
Excerpt from American Constitutionalism .......................................................................................... 81  
British Columbia v. Imperial Tobacco Canada Ltd. ............................................................................. 105  
British Columbia (Attorney General) v. Christie .............................................................................. 111  
An Act to Amend the Constitution Act, 1867 (Senate Tenure) ......................................................... 119  
Introduction to Comparing Federal Systems ..................................................................................... 125  
The Distribution of Powers in Federations ......................................................................................... 145  
Reference re Same-Sex Marriage ...................................................................................................... 153  
The Judicial Role: Mediating National Diversity in Plurinational States ......................................... 161  
The Pathology of Federations ............................................................................................................ 199  
Clarity Act c. 26 .................................................................................................................................. 207  
R. v. Crown Zellerbach Canada Ltd. On Appeal from the Court of Appeal for British Columbia ...... 211  
R. v. Hydro-Québec On Appeal from the Court of Appeal for Quebec ............................................ 215  
Reference Re: Firearms Legislation On Appeal from the Court of Appeal for Alberta ..................... 219  
The End of Umpire? Federalism and Judicial Restraint .................................................................... 223  
General Motors of Canada Ltd. v. City National Leasing Ltd. On Appeal from the Court of Appeal for Ontario .................................................................................................................... 257  
Kitkatla Band v. B.C. (Minister of Small Business, Tourism and Culture) On Appeal from the Court of Appeal for British Columbia ............................................................................................................ 263  
Kiriki AG and Lego Canada Inc. v. Gestion Ritvik Inc. & Attorney General of Canada and Attorney General of Quebec On Appeal from the Federal Court of Appeal .................................................................................................................................................................................. 267  
Canadian Western Bank v. Her Majesty the Queen in Right of Alberta On Appeal from the Court of Appeal for Alberta .................................................................................................................................................................................. 269
INTRODUCTION

TO THE STUDY OF THE

LAW OF THE CONSTITUTION

BY

A. V. DICEY, B.C.L.

OF THE INNER TEMPLE

BARRISTER-AT-LAW; VENNERIAN PROFESSOR OF ENGLISH LAW

FELLOW OF ALL SOULS COLLEGE, OXFORD

BENEDICTARY OF GLASGOW AND KNOSSISH

THIRD EDITION

TORONTO, CAN.

VANNEVAR & CO.

440 YONGE STREET.

London

MACMILLAN AND CO.

AND NEW YORK

1899

All rights reserved