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- ¹⁸⁶ *R. c. Vaughan*, 4 Burr. 2495, 2500, 98 E.R. 310, 308.
- ¹⁸⁷ "Report of Attorney-General, Edwd. Thurlow", in Shortt and Doughty, see note 183 above, p. 305, at pp. 307-398.
- ¹⁸⁸ *Ibid.*, p. 309.
- ¹⁸⁹ "Considerations on the Expediency of Procuring an Act of Parliament for the Settlement of the Province of Quebec (by Baron Maseres) London Printed in the year MDCCLXVI", in *ibid.*, p. 179, at p. 183 ; see also Francis Maseres, "A Draught of an Intended Report of the Honourable Governor in Chief and the Council of the Province of Quebec to the King's most Excellent Majesty in his Privy Council ; concerning the State of the Laws and the Administration of Justice in that Province", (hereinafter "A draught [...]") in *ibid.*, p. 228, at p. 244.
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- ¹⁹⁵ Murray Greenwood, *Legacies of Fear, Law and Politics in Quebec in the Era of the French Revolution*, (Toronto: University of Toronto Press, 1993), pp. 164-166.
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- ²⁰⁰ Morel, see note 182 above, pp. 489-499 and 507-508.
- ²⁰¹ *Quebec Act*, s. 11.
- ²⁰² *Ibid.*, s. 15.
- ²⁰³ *Ex parte Rousse*, [1834] *Stuart's Reports* 321; Morel, see note 182 above, p. 472.
- ²⁰⁴ Jacques Crémazie, *Les lois criminelles anglaises, traduites et compilées de Blackstone, Chitty, Russell et autres criminalistes anglais, et telles que suivies au Canada: arrangées suivant les dispositions introduites dans le code criminel de cette province par les statuts provinciaux 4 et 5 Victoria, c. 24-27. Comprenant aussi un précis des statuts pénaux de la ci-devant Province du Bas-Canada*, (Québec: Fréchette & Cie., 1842), pp. pages 20 note (c), 61, note (b) and 265, note (b).
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- ²⁰⁶ *An Ordinance for securing the Liberty of the Subject, and for the prevention of Imprisonments out of this Province*, 24 Geo. III, c. 3, Arthur G. Doughty, *Report of the Public Archives of Canada for the years 1914 and 1915*, (Ottawa: J. de L. Taché, King's Printer, 1917), app. C, p. 139.
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- ²¹³ Joseph-François Perrault (éd.), *Le juge à Paix et officier de Paroisse, extrait de Richard Burn, traduit par Jos.-F. Perrault*, (Montréal: Fleury Mesplet, 1789); Perrault, *Questions et réponses sur le droit criminel au Bas-Canada*, (Quebec: C. Lefrançois, 1814).
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- ²¹⁹ Brown, see note 93 above, pp. 70-92.
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- ²²² *Ex parte Rousse*, see note 203 above.
- ²²³ *Re Fisher*, [1834] Stuart's Report 245.
- ²²⁴ *R. v. Bérubé*, (1852) 3 L.C.J. 212 (B.R.).
- ²²⁵ *An Act for the establishment of a better Court of Appeals in Lower Canada*, S.P.C. 1843, 7 Vict., c. 18.
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- ²²⁷ *Ex parte Ledoux*, (1858) 8 L.C.J. 255 (C.S.).
- ²²⁸ *An Act to amend the Judicature Acts of Lower Canada*, S.P.C. 1857, 20 Vict., c. 44, ss. 22 and 23.
- ²²⁹ *R. v. Barbeau*, (1851) 1 L.C.R. 320 (B.R.), 321 (Duval, J.); *R. c. Duval*, see note 226 above, 54 (B.R.), 64-70 (Mondelet, J., diss).
- ²³⁰ *Geo. II*, see note 210; Morel, see note 182 above, p. 536.
- ²³¹ *An Act to establish a Court having jurisdiction in Appeals and Criminal Matters, for Lower Canada*, S.P.C. 1849, 12 Vict., c. 37, ss. 14, 23 and 28.
- ²³² *R. v. Chouinard*, (1878) 4 Q.L.R. 220 (B.R., 1874).
- ²³³ *Ex parte Taschemacher*, (1874) 6 R.L. 328 (C.S.).
- ²³⁴ *R. v. Morrison & Pagnuelo*, (1871) 3 R.L. 525 (B.R.).

- ²³⁵ *R. v. Deery*, (1882) 26 L.C.J. 129 (B.R., 1874).
- ²³⁶ Morel, see note 182 above, pp. 529-532; Kasirer, see note 216 above.
- ²³⁷ *R. v. Barbeau*, see note 229 above.
- ²³⁸ Henri-Elzéar Taschereau, *The Criminal Law Consolidation and Amendment Acts of 1869, 32-33 Vict. For the Dominion of Canada, as Amended and in force on the 1st Day of November, 1874, in the Provinces Ontario, Quebec, Nova Scotia, New Brunswick, Manitoba and on the 1st Day of January, 1875, in British Columbia, with Notes, Commentaries, Precedents of Indictments, etc., etc.* (Montreal: Lovell, 1874); *Ibid.*, (Toronto: Hunter & Rose, 1875); Henri-Elzéar Taschereau, *The Criminal Statute Law of the Dominion of Canada, relating to Indictable Offences, with Full Text as Revised in 1886, and put into Force by Royal Proclamation on the 1st Day of March, 1887, and Cases, Notes, Commentaries, Forms, etc., etc.* (Toronto: Carswell, 1888).
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- ²⁴¹ *Duval v. The Queen*, see note 226 above, 52 (B.R.), 65; *R. v. Daoust*, (1867) 10 L.C.J. 221 (B.R.), 222 (B.R.); *Ramsay v. The Queen*, (1867) 11 L.C.J. 158 (B.R.), 159.
- ²⁴² *Ex parte Blossom*, (1867) 10 L.C.J. 46 (B.R.), 52.
- ²⁴³ *R. v. Daoust*, see note 241 above, pp. 223 (Meredith, J.), 224-225 (Drummond, J.); *R. v. Roy*, (1866) 11 L.C.J. 89 (B.R.), 92 (Drummond, J.); *R. v. Scott*, (1877) 21 L.C.J. 225 (B.R.), 229-230 (Ramsay, J.).
- ²⁴⁴ *R. v. Feore*, (1877) 3 Q.L.R. 219 (B.R.), 229.
- ²⁴⁵ *R. v. Fraser*, (1870) 14 L.C.J. 245 (B.R.), 251 (Monk and Drummond, JJ. diss.); *R. v. Abrahams*, (1880) 24 L.C.J. 325 (B.R.), 340 (Ramsay, J.); see also *R. v. Leboeuf*, (1866) 9 L.C.J. 197 (B.R.), 198 (Meredith, J.); *R. v. Vonhoff*, (1867) 10 L.C.J. 292 (B.R.), 294 (Drummond, J.); *R. v. Lacombe*, (1869) 13 L.C.J. 259 (B.R.).
- ²⁴⁶ *R. v. Scott*, see note 243 above, p. 229.
- ²⁴⁷ *Ex parte Blossom*, see note 242 above, pp. 70-71 (Meredith, J.).
- ²⁴⁸ *Notman v. The Queen*, (1869) 13 L.C.J. 255 (B.R.), 257 (Badley, J.).
- ²⁴⁹ *R. v. Deery*, see note 235 above, 133 (the Chief Justice) and 135 (Taschereau, J.).
- ²⁵⁰ *Notman v. The Queen*, see note 248 above, pp. 258 (Badgley, J.); *R. v. Scott*, see note 243 above, pp. 228 (Chief Justice Dorion, diss.) and 228-229 (Sanborn, J., diss.); *In re Eno*, (1884) 10 Q.L.R. 194 (C.S.P.), 219 (Caron, J.).
- ²⁵¹ *Scott v. The Queen*, (1878) 2 S.C.R. 349; *Abrahams v. The Queen*, (1881) 6 S.C.R. 10; *Brisebois v. The Queen*, (1888) 15 S.C.R. 421, 440 (Taschereau, J.) and 442 (Gwynne, J.), regarding *R. v. Feore*, see note 244 above, p. 219; *Morin v. The Queen*, see note 239 above, p. 407, regarding *R. v. Lacombe*, (1869) 13 L.C.J. 259 (B.R.).
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- ²⁵³ *Laliberté v. The Queen*, (1878) 1 S.C.R. 117, 130-131 (Chief Justice Richards).

- ²⁵⁴ *Morin v. The Queen*, see note 239 above, pp. 407, 447 (Taschereau, J.), 456-458 (Gwynne, J.) and 471 (Patterson, J.).
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- ²⁶⁰ *R v. Wyllie*, (1880) 3 L.N. 139 (B.R.), 140 (Dunkin, J.); *In re Sproule*, see note 239 above, pp. 140, 198 (Chief Justice Ritchie) and 247 (Taschereau, J.).
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- ²⁶² *R. v. Leboeuf*, (1866) 9 L.C.J. 245 (B.R.), 247.
- ²⁶³ *R. v. Bruce*, (1860) 10 L.C.J. 117 (B.R.), 120; *In re Sproule*, see note 239 above, pp. 140, 242 (Taschereau, J.).
- ²⁶⁴ *Kelly v. The Queen*, (1883) 3 D.C.A. 49 (B.R.), 50-51 (Chief Justice Dorion).
- ²⁶⁵ *R. v. Lemieux*, (1879) 5 Q.L.R. 261 (C.S.), 262 (Routhier, J.).
- ²⁶⁶ *Corporation of the City of Montreal v. Doolan*, (1874) 18 L.C.J. 124 (B.R., 1874), 124-126 (Badgley, J.), 126-127 (Chief Justice), 127 (Caron, J.), 127-128 (Drummond, J.) and 128 (Monk, J.).
- ²⁶⁷ *Ex parte Williams*, (1875) 19 L.C.J. 120 (S.C.); *R. v. Lynch*, (1875) 7 R.L. 553 (B.R.); *R. v. Bissonette*, (1879) 23 L.C.J. 249 (B.R.); *R. v. Berthe*, (1880) 3 L.N. 266 (B.R.); *Kelly v. The Queen*, see note 264 above.
- ²⁶⁸ *R. v. Maher*, (1884) 7 L.N. 82 (B.R.), 83 (Ramsay, J.); others preferred the English version if it was more favourable to the accused: *Brossoit v. Turcotte*, (1877) 20 L.C.J. 141 (B.R.), 143 (Chief Justice Dorion); see also *Ex parte Thompson*, (1863) 7 L.C.J. 10 (C.S.) (Smith, J.).
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- ²⁷⁰ *R. v. Smith*, (1879) 2 L.N. 223 (B.R.), 223-224.
- ²⁷¹ *R. v. Scott*, (1884) 4 D.C.A. 50 (B.R.); *contra*: *R. v. Maher*, see note 268 above.
- ²⁷² *R. v. Daoust*, see note 241 above.
- ²⁷³ *Laliberté v. The Queen*, see note 253 above, pp. 117 and 136.
- ²⁷⁴ *R. v. Feore*, see note 244 above; *R. v. Bain*, (1879) 23 L.C.J. 327 (B.R., 1877).

- ²⁷⁵ Taschereau 1875, see note 237 above, p. 375.
- ²⁷⁶ *Ibid.*, p. 361.
- ²⁷⁷ *Morin v. The Queen*, see note 239 above.
- ²⁷⁸ *Brisebois v. The Queen*, see note 239 above.
- ²⁷⁹ *Morin v. The Queen*, see note 239 above.
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- ²⁹⁰ *Ibid.*, June 5.
- ²⁹¹ *Ibid.*, June 18.
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- ²⁹⁹ Charles M. Cook, *The American Codification Movement*, A Study of Antebellum Legal Reform, (Westport: Greenwood Press, 1981); Shael Herman, "The Fate and Future of Codification in America," (1996) *Am.J.Leg.His.* 407.

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- ³⁰² Seton W. Gordon, "Codification of the Law," (1883) 3 C.L.T. 139, p. 141; Anonymous, "Codification," (1887) 10 L.N. 225, 228.
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- ³⁰⁶ Anonymous, "Consolidation of the Statutes," (1859) 5 *U.C.L.J.* 73, p. 74.
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- ³¹⁰ Desmond H. Brown (ed.), *The Birth of the Canadian Criminal Code, The Evolution of Canada's Justice System*, (Toronto: University of Toronto Press, 1995) p. 27.
- ³¹¹ Graham Parker, "The Origins of the Canadian Criminal Code," in David H. Flaherty (ed.), *Essays in the History of Canadian Law*, (Toronto: Osgoode Society, 1986), p. 249; Kasirer, see note 216 above.
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- ³¹⁵ *Ibid.*, p. 274; Nicholas Kasirer, "Canada's Criminal Law Codification Viewed and Reviewed" (1990) 35 *McGill L.J.* 841.
- ³¹⁶ Anonymous, "Codes," (1880) 3 L.N. 113.
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- ³¹⁹ Douglas Armour, "Editorial Review, Codification" (1887) 7 C.L.T. 219.
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- ³²² Anonymous, untitled (1890) 26 *C.L.J.* 577.
- ³²³ Anonymous, "Codification," (1886) 22 *C.L.J.* 133; Armour, see note 321 above, pp. 432-433; Gordon, see note 302 above, p. 143.

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- ³²⁵ Anonyme, "The Criminal Code," (1893) 29 *C.L.J.* 94, 95; see also Anonymous, "The Canadian Criminal Code," (1892) 15 L.N. 333.
- ³²⁶ Brown, see note 93 above, pp. 120-121; the reference to Gowan and Day serving on the same commission is found in N. Kasirer, see note 315, above, pp. 879.
- ³²⁷ *Sessional papers, First Session of the Seventh Parliament of the Dominion of Canada, Session 1891*, vol. 17, no. 66, p. 47.
- ³²⁸ *National Archives of Canada, RG 13*, vol. 2273-2274; excerpts of this correspondence are reproduced in Brown, see note 310 above, pp. 68-255.
- ³²⁹ *Ibid.*, vol. 2273 (n.p.), L.P. Archambault to J.D. Thompson, 4 April 1892; "this work was long required and your bill will supply a great want in this country": vol. 2274 (n.p.), A. Mauge to J.D. Thompson, 4 September 1891; "many difficulties which have been brought to my notice in practice have been removed": vol. 2274 (s.p.), W.E. Rose to J.D. Thompson, 18 May 1892.
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- ³³¹ Brown, see note 310 above, pp. 52, 200-201, 204, 206, 234, 237.
- ³³² *An Act respecting the criminal law*, S.C. 1892, c. 29, hereafter the *Criminal Code, 1892*.
- ³³³ *Criminal Code, 1892*, s. 5.
- ³³⁴ *Ibid.*, s. 7.
- ³³⁵ Brown, see note 310 above, p. 200.
- ³³⁶ Brown, see note 310 above, p. 451.
- ³³⁷ Brown, see note 93 above, pp. 132-133.
- ³³⁸ "Memorandum as to Mr. Justice Taschereau's open letter on the Criminal Code, 3rd February 1893, *National Archives of Canada, R.G. 13*, vol. 2274, p. 10.
- ³³⁹ *The Canada Evidence Act*, S.C. 1893, c. 31; Desmond H. Brown, "Be Sworn and Give Evidence: The Evolution of the Competent Witness in the Context of the Canada Evidence Act," (1994) 22 *Man. L.J.* 360.
- ³⁴⁰ *Criminal Evidence Act, 1898* (Engl.), 61-62 Vict., c. 36; Brown, see note 339 above, pp. 363-365.
- ³⁴¹ Brown, see note 310 above, p. 274.
- ³⁴² Brown, see note 93 above, p. 139.
- ³⁴³ Brown, see note 310 above, p. 322.
- ³⁴⁴ *Ibid.*, pp. 318-326 and 398; *Criminal Code, 1892*, s. 3(q).
- ³⁴⁵ Brown, see note 310 above, pp. 272-273.
- ³⁴⁶ *Ibid.*, pp. 379-389.
- ³⁴⁷ *Criminal Code, 1892*, ss. 664 and 665; on the situation in Manitoba, see the letter from Mr. Justice Joseph Dubuc, Brown, see note 310 above, p. 164.

- ³⁴⁸ *Ibid.*, p. 378.
- ³⁴⁹ *Ibid.*, pp. 258-262.
- ³⁵⁰ Brown, see note 310 above, pp. 288-289.
- ³⁵¹ *Ibid.*, pp. 308-317.
- ³⁵² *Boucher v. The King*, [1951] S.C.R. 265.
- ³⁵³ Brown, see note 310 above, pp. 352-353.
- ³⁵⁴ *Ibid.*, p. 405.
- ³⁵⁵ *Ibid.*, pp. 407-408; see also pp. 64 and 67.
- ³⁵⁶ *Ibid.*, p. 422.
- ³⁵⁷ *Ibid.*, p. 431.
- ³⁵⁸ *Ibid.*, pp. 410-413 and 432-434.
- ³⁵⁹ *Ibid.*, pp. 417, 427, 439, 443, 450, 464.
- ³⁶⁰ *Ibid.*, p. 464.
- ³⁶¹ *Ibid.*, pp. 400 and 465-469; *Criminal Code, 1892*, s. 205; R.C. McLeod, "The Shaping of Canadian Criminal Law, 1892 to 1902" [1978] *Communications Historiques* 72; see also *Association St-Jean-Baptiste de Montréal v. Brault*, (1901) 30 S.C.R. 598.
- ³⁶² Brown, see note 310 above, pp. 296-300, 401-403.
- ³⁶³ Brown, see note 93 above, pp. 145 and 224, note 114; Schwartz, see note 303 above.
- ³⁶⁴ Henri-Elzéar Taschereau, "The Canadian Criminal Code," (1893) 16 L.N. 36.
- ³⁶⁵ *Ibid.*, p. 38.
- ³⁶⁶ *Ibid.*, p. 45.
- ³⁶⁷ Brown, see note 310 above, p. 250.
- ³⁶⁸ See note 338 above, p. 1.
- ³⁶⁹ *Ibid.*, pp. 3-4 and 9.
- ³⁷⁰ *Ibid.*, p. 4.
- ³⁷¹ *Ibid.*, p. 7.
- ³⁷² *Ibid.*, pp. 4 and 8.
- ³⁷³ *Ibid.*, p. 15.
- ³⁷⁴ *Ibid.*, p. 26.
- ³⁷⁵ See, for example, the cases concerning the crime of *champerty* or *maintenance*, *Méloche v. Déguire*, (1903) 34 S.C.R. 24; *R. v. Goodman*, [1939] S.C.R. 446; Elizabeth Bennett, "Common Law Inroads into the Criminal Code," in Josiah Wood and Richard C. Peck (eds.), *100 years of the Criminal Code in Canada*, (Ottawa: Canadian Bar Association, 1993) pp. 99-103.

- ³⁷⁶ *Frey v. Fedoruk*, [1950] S.C.R. 517.
- ³⁷⁷ Section 8(3) of the *Criminal Code*, which echoes section 7 of the code of 1892.
- ³⁷⁸ On the meaning of the word defense, see *R. v. Chaulk*, [1990] 3 S.C.R. 1303.
- ³⁷⁹ *R. v. Jobidon*, [1991] 2 S.C.R. 714.
- ³⁸⁰ *Ibid.*, pp. 735-739.
- ³⁸¹ *Ibid.*, pp. 742-745.
- ³⁸² *Ibid.*, pp. 774-774; Bennett, see note 375 above, pp. 105-110.
- ³⁸³ *Bank of Montreal v. NG*, [1989] 2 S.C.R. 429, 442-445; *Tremblay v. Daigle*, [1989] 2 S.C.R. 530, 560.
- ³⁸⁴ *R. v. Salituro*, [1991] 3 S.C.R. 654, 678-679.
- ³⁸⁵ *R. v. Jobidon*, [1991] 2 S.C.R. 714, 739, 744-745 and 765.
- ³⁸⁶ *R. v. Brodie*, [1936] S.C.R. 188, 199-200; *R. v. Ntarelli*, [1967] S.C.R. 539; *Gaysek v. The Queen*, [1971] S.C.R. 888, 897; *R. v. McIntosh*, [1995] 1 S.C.R. 666; *R. v. Gladue*, [1999] 1 S.C.R. 688, par. 31-33 and 39-44. The Supreme Court of Canada has also relied on Stephen's *Digest* (see above, note 110) and on the report of the Royal Commission of 1879 (see above, note 112) to clarify the meaning of some sections of the *Criminal Code* that were taken word for word from the English draft: *R. v. Vasil*, [1981] 1 S.C.R. 469, 486-490; *Bergstrom v. The Queen*, [1981] 1 S.C.R. 539, 544-552; *Sleeth v. Humbert*, (1896) 25 S.C.R. 620, 627 (per Sedgewick J.). However, in *Gaysek v. The Queen*, [1971] S.C.R. 888, Ritchie J. ruled that the court could not derive assistance from the Report of the Royal Commission on the Revision of the Criminal Law of 1952 (at pp. 894-895), whereas Laskin J., in dissent, quoted the English draft code of 1878, 1879 and 1880 (at p. 904).
- ³⁸⁷ *United Nurses of Alberta v. Alberta (Attorney General)*, [1992] 1 S.C.R. 901, 930-931.
- ³⁸⁸ André Jodouin, "La Charte canadienne et la nouvelle légalité" in Gérald A. Beaudouin and Errol P. Mendes, *Charte canadienne des droits et libertés*, 3^e éd. (Montréal: Wilson et Lafleur, 1996) p. 786.
- ³⁸⁹ For an example of the use of international law in this context, see *R. v. Finta*, [1994] 1 S.C.R. 701.
- ³⁹⁰ *United Nurses of Alberta*, see note 387 above, p. 933.
- ³⁹¹ *Ibid.*, pp. 933-934.
- ³⁹² Fernando Acosta, "Récit de voyage à l'intérieur du *Code criminel* de 1892, où entres autres mention est faite des peines auxquelles ses transgresseurs s'exposent," (1995) 28 *Criminologie* 81.
- ³⁹³ André Cellard and Gérald Pelletier, "Le Code criminel canadien 1892-1927: Étude des acteurs sociaux," (1998) *Canadian Historical Review* 261.
- ³⁹⁴ *Ibid.*, pp. 266 and 301.

- ³⁹⁵ Law Reform Commission of Canada, *Recodifying Criminal Procedure*, Report no. 31, (Ottawa: The Commission, 1987); Law Reform Commission of Canada, *Recodifying Criminal Procedure*, Report no. 33, (Ottawa: The Commission, 1991).
- ³⁹⁶ Gilles Létourneau, "Le Code criminel et la faillite du pouvoir législatif canadien," Wood and Peck, see note 375 above, p. 67; Allen Linden, "After a Century, Canada Needs a New Criminal Code," in Wood and Peck, see note 375 above.
- ³⁹⁷ Stanley A. Cohen, "Law Reform, the Charter and the Future of the Criminal Law," in Jamie Cameron (ed.) *The Charter's Impact on the Criminal Justice System*, (Scarborough: Carswell, 1996), p. 345; Gerry Ferguson, "From Jeremy Bentham to Anne McLellan: Lessons in Criminal Law Codification" in Don Stuart, R.J. Delisle, and Allan Manson (eds.), *Towards a Clear and Just Criminal Law: A Criminal Reports Forum*, (Scarborough: Carswell, 1999); Jodouin, see note 388 above; Don Stuart, "A Case for A General Part" in Stuart, Delisle and Manson, above p. 95.
- ³⁹⁸ Law Reform Commission of Canada, *Towards a codification of Canadian criminal law*, (Ottawa: The Commission, 1976), pp. 16-22.
- ³⁹⁹ Lucinda Vandervort, "To Codify or Not to Codify the Principles of Criminal Responsibility: A Question of Fundamental Justice and Equality," in Stuart, Delisle and Manson, see note 397 above, p. 231; See Christine Boyle, "Commentary," in Stuart, Delisle and Manson, see note 397 above, p. 146.
- ⁴⁰⁰ Kasirer, see note 315 above, p. 871; Dennis R. Klinck, "The Language of Codification," (1989) 14 Queen's L.J. 33.
- ⁴⁰¹ *Supra*, Part I. C. 1
- ⁴⁰² *Supra*, II B. 2
- ⁴⁰³ *Supra*, I. C. 2
- ⁴⁰⁴ Kasirer, see note 315 above, p. 871.
- ⁴⁰⁵ See Eric Colvin, "Criminal Law and the Rule of Law," in Fitzgerald see note 149 above, pp. 142-143.
- ⁴⁰⁶ Klinck, see note 400 above, pp. 50-58. Also see Ronald J. Delisle, "Summary of Proceedings: General Philosophies of Criminal Law and Codification," (1989) 14 Queen's L.J. 31.
- ⁴⁰⁷ Commission, see note 398 above; Colvin, see note 405 above, pp. 144-145.
- ⁴⁰⁸ Kadish, see note 105 above, pp. 1138-1144; Herbert Weschler, "Revision and Codification of Penal Law in the United States," (1983) 7 Dal. L.J. 219.
- ⁴⁰⁹ *R. v. Popovic*, [1976] 2 S.C.R. 308, 314-315.
- ⁴¹⁰ *Hansard's Parliamentary Debates*, 3rd series, London, 1879, May 5, 1879, col. 1770.