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Nota di contenuto	1. Canadian Constitution -- 2. Judicial Activism and Its Critics -- 3. Legal Background to Marshall (No. 1) -- 4. Marshall (No. 1) in the Trial Court -- 5. Court of Appeal -- 6. Decision of the Supreme Court of Canada: Marshall (No. 1) -- 7. Fire on the Water, and Marshall (No. 2) -- 8. Rewriting Nova Scotia History -- 9. Judicial Levitation: The Hovering Treaty Right -- 10. Trade, Treaties, and the Constitution -- 11. Fundamental Laws: The Rights of British Subjects and a "Promenade Down Barrington Street" -- 12. After the Marshall Decisions: Legal Uncertainty and Government Response -- 13. Stephen Marshall/Bernard -- 14. Failure of Judicial Activism -- Appendix. R. v. Marshall (No. 1).
Sommario/riassunto	The Supreme Court of Canada decision in the Marshall case asserted sweeping Native treaty rights and generated intense controversy. In Power without Law Alex Cameron enlivens the debate over judicial activism with an unprecedented examination of the details of the Marshall case, analyzing the evidence and procedure in the trial court and tracing the legal arguments through the Court of Appeal to the Supreme Court of Canada. He argues that there were critical defects in

the process - the successful argument at the Supreme Court of Canada was never tested in the lower courts, the Crown's expert was precluded from testifying about a vital document, the Court's analysis does not accord with the historical evidence, and the treaty rights are inconsistent with the colonial law of Nova Scotia. Concluding that the Marshall decision was the result of incautious judicial activism, *Power without Law* challenges us to reconsider the role of our courts in the Charter era.

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