

IVe sommet de terminologie

Dialogue de sourds : bilan d'une conversation entre un programmeur et un jurilinguiste

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Exemple d'une définition (fr.)

- **CONTRAT** *n.m.*
- **1. (Obl.)** Acte juridique résultant d'un accord de volontés, entre deux ou plusieurs personnes, en vue de produire des effets de droit. Par ex., la vente, la donation, le mandat. « Il ne faut pas confondre le contrat et le document ou l'écrit qui le constate. Il n'est pas rare qu'un même document contienne plus d'un contrat, soit entre les mêmes parties [...], soit entre l'une des parties et une autre personne [...] » (*Crédit Ford du Canada Ltée. c. Gatién*, [1981] C.A. 638, p. 642, j. A. Mayrand). *Conclure un contrat, négocier un contrat, passer contrat.*
- **Occ.** Art. 1378, 1385, 1433 C.c.Q.
- **Rem. 1°** L'article 1378 C.c.Q. définit le contrat comme « un accord de volonté, par lequel une ou plusieurs personnes s'obligent envers une ou plusieurs autres à exécuter une prestation ». En ne retenant que le pouvoir créateur d'obligation du contrat, cette définition ne donne pas la véritable mesure de la notion : le contrat peut, en plus de créer des obligations, les modifier ou les éteindre; il peut constituer, transférer, modifier ou éteindre des droits réels. Cette définition entre également en contradiction avec l'article 1433 C.c.Q. qui, reprenant la substance du droit antérieur, énonce (art. 1022 C.c.B.C.) expressément l'ensemble des effets de droit qu'un contrat peut produire. **2°** Les quatre conditions de formation du contrat sont : la capacité, la cause, le consentement et l'objet (art. 1385 C.c.Q.). **3°** On distinguait traditionnellement le contrat et la convention : la convention pouvait créer, modifier ou éteindre des rapports de droit; le contrat était une espèce de convention destinée seulement à créer des effets juridiques. On s'accorde aujourd'hui pour à reconnaître que cette distinction est dénuée d'intérêt pratique et que les deux termes s'emploient indifféremment. **4°** Du latin *contractus* dérivé de *contrahere* : tirer ensemble.
- **Syn.** convention, pacte. **V.a.** cause^{1,2}, consensualisme, consentement², délit, formalisme, objet du contrat, quasi-contrat, quasi-délit.
- **Angl.** agreement¹, contract¹⁺, covenant, pact, transaction².
- **2. (Obl.)** Écrit destiné à constater un contrat¹.
- **Angl.** agreement², contract²⁺, deed².

Exemple d'une définition (angl.)

- **CONTRACT** *n.*
- **1.** (*Obl.*) Juridical act resulting from a concurrence of wills between two or more persons with a view to producing effects in law. For example, a sale, a gift, a mandate. “To make a contract the law requires communication of offer and acceptance alike either to the person for whom each is respectively intended, or to his authorized agent” (*Charlebois v. Baril*, [1928] S.C.R. 88, p. 89, F.A. Anglin, J.). *The contract is the law unto the parties.*
- **Occ.** Arts. 1378, 1385, 1433 C.C.Q.
- **Obs.** **1°** Article 1378 C.C.Q. defines a contract as an “agreement of wills by which one or several persons obligate themselves to one or several other persons to perform a prestation”. By reducing the contract to an instrument that creates obligations, the legislature appears to have underestimated the full breadth of the notion, thereby excluding numerous contracts from the definition. Article 1378 C.C.Q. also appears to contradict article 1433 C.C.Q. which, keeping with the substance of the former law, provides that a contract can create, modify or extinguish obligations, and that it can also constitute, transfer, modify or extinguish real rights. It would therefore seem preferable to define the contract so as to include all the effects in law that it may produce. **2°** The four conditions of formation of contracts are capacity, cause, consent and object (see art. 1385 C.C.Q.). **3°** The civilian tradition formerly distinguished a contract from an agreement (in French, *convention*). While an agreement could create, modify or extinguish juridical relations, a contract was said to be a type of agreement designed only to create juridical effects. Today the distinction has no practical significance and the terms are used interchangeably. **4°** From the Latin *contrahere*: to draw together.
- **Syn.** agreement¹, covenant¹, pact, transaction². **See also** cause², consensualism, consent¹, delict, formalism, object of the contract, quasi-contract, quasi-delict.
- **Fr.** contrat¹⁺, convention, pacte.
- **2.** (*Obl.*) Writing that records a contract¹.
- **Syn.** agreement², deed².
- **Fr.** contrat².

Projet proposé par E-Business

Private and Comparative Law Dictionary Support System Project Summary

- Currently, PCL dictionaries exist, and are maintained, only in Microsoft Word documents. There is a need to import all dictionary entries from all of the Word documents into a structured and relational database platform. All of the elements forming the parts of a dictionary entry must be clearly identified and separated.
- Problems with the maintenance of the various documents and ensuring that the format is rigidly adhered to, strongly suggest moving to a PC and **web user-interface** with a relational database backend.
- The main objective of this project is to parse and convert the existing dictionaries from Word to Oracle and to form separate instances of the database to represent development and production versions. The benefits of this project are a vastly more reliable production environment and a much quicker time-to-publication period.**
- The biggest concern of the existing process is the vast amount of time spent ensuring that new or updated entries to the various law dictionaries conform to the rules specified in the two documents *Typography of the Private Law Dictionary – English Version* and *Typographie du Dictionnaire de droit privé – Version française* (See Schedule 5).
- The solution we propose is a custom designed Windows-based application written in Delphi as the primary front end for managing, editing and updating all dictionary entries, and Oracle as the database back end to support the security, tracking and audit trail of any and all changes to the dictionary tables as of the initial load.**

Interface de la base de données

FormNewTermList FR French (Canada) ?

File

DT_TERM

- ABANDON
- ABANDON INVOLONTAIRE
- ABANDON VOLONTAIRE
- ABANDONNEMENT
- ABANDONNER
- ABSOLUTE IMPEDIMENT (TO MARRIAGE)
- ABSTRACTION
- ABSTRACTION OF ACQUESTS
- ABSTRACTION OF COMMUNITY PROPERTY
- ACCEPTION FORCÉE
- ACCESS
- ACCESSORY MEASURE
- ACCÈS
- ACKNOWLEDGED CHILD
- ACKNOWLEDGEMENT OF (A) NATURAL CHILD
- ACKNOWLEDGEMENT OF MATERNITY OR OF PATERNITY
- ACQUEST(S)
- ACQUÊT(S)
- ACTION EN ANNULATION DE MARIAGE
- ACTION EN CONTESTATION D'ÉTAT
- ACTION EN CONTESTATION DE FILIATION
- ACTION EN CONTESTATION DE LÉGITIMITÉ
- ACTION EN CONTESTATION DE MATERNITÉ
- ACTION EN CONTESTATION DE PATERNITÉ
- ACTION EN DIVORCE
- ACTION EN DÉSAVEU DE PATERNITÉ
- ACTION EN NULLITÉ DE MARIAGE
- ACTION EN RECHERCHE DE FILIATION
- ACTION EN RÉCLAMATION D'ÉTAT
- ACTION EN RÉCLAMATION DE FILIATION
- ACTION EN SÉPARATION DE BIENS
- ACTION EN SÉPARATION DE CORPS
- ACTION FOR (IN) SEPARATION AS TO (OF) PROPERTY
- ACTION FOR (IN) SEPARATION FROM (AS TO) BED AND BOARD
- ACTION FOR ANNULING MARRIAGE
- ACTION FOR ANNULMENT OF MARRIAGE
- ACTION IN (FOR) DISAVOWAL OF PATERNITY
- ACTION IN CONTESTATION OF FILIATION
- ACTION IN CONTESTATION OF LEGITIMACY
- ACTION IN CONTESTATION OF MATERNITY
- ACTION IN CONTESTATION OF PATERNITY
- ACTION IN CONTESTATION OF STATUS
- ACTION IN NULLITY OF MARRIAGE
- ACTION TO CLAIM FILIATION
- ACTION TO CLAIM STATUS

TabSheet3

- ACQUEST(S)
 - GC:
 - n. and adj.
 - DEFS:
 - DEF:
 - BOL:
 - Fam.
 - TXT:
 - Property of a spouse that, because it is linked to marriage as a joint economic endeavour, is susceptible of division or partition between the spouses at the dissolution of a shared property matrimonial regime.
 - QT:
 - Acquest property has changed its meaning over time but has always embodied a same reality: certain property should be shared - at least in value - based on a presumption that its acquisition results from the joint efforts of the part
 - QR:
 - Kasirer, (1995) 36 C. de D. 795, p. 821
 - DBS:
 - OB:
 - Because acquests are acquired during the regime, they represent property considered to be conceptually associated with marriage. As such, they may be viewed as property that belongs to a spouse qua spouse rather than
 - Acquests are generally contrasted with private property.
 - SAS:
 - SA:
 - conventional community
 - private property
 - shared property regime
 - TRS:
 - TR:
 - acquêt(s)

WYSIWYG Raw Text

Interface de la base de données

Dictionary Terms

FR French (Canada)

File View Report

Search Term Details

AD - Adopted Term
 AM - Amended
 RF - Relused
 DF - To Define
 SP - Suspended
 NT - New Term

Clear Filter

Filter

Lang. of Origin: -- All -- Dict. Lang.: -- All --

Family: -- All -- Gram. Cat.: -- All --

All Terms

Dictionary Term	Gram. Cat.	Origin	Dict. Lang.	Status
ABANDON	v.		EN	DF - To Define
ABANDON	n.m.		FR	AD - Adopted Term
ABANDON INVOLONTAIRE			FR	AD - Adopted Term
ABANDON VOLONTAIRE			FR	AD - Adopted Term
ABANDONNEMENT	n.		EN	AD - Adopted Term
ABANDONNER	v.tr.		FR	AD - Adopted Term
ABSOLUTE IMPEDIMENT (TO MARRIAGE)			EN	NT - New Term
ABSTRACTION	n.		EN	NT - New Term
ABSTRACTION OF ACQUESTS			EN	AD - Adopted Term
ABSTRACTION OF COMMUNITY PROPERTY			EN	AD - Adopted Term
ACCEPTATION FORCÉE			FR	AD - Adopted Term
ACCESS	n.		EN	DF - To Define
ACCESSORY MEASURE			EN	AD - Adopted Term
ACCÈS	n.m.		FR	AD - Adopted Term
ACKNOWLEDGED CHILD			EN	AD - Adopted Term
ACKNOWLEDGEMENT OF (A) NATURAL CHILD			EN	AD - Adopted Term
ACKNOWLEDGEMENT OF MATERNITY OR OF PATERNITY			EN	AD - Adopted Term
ACQUEST(S)	n. and adj.		EN	AD - Adopted Term
ACQUÊT(S)	n.m. et adj.		FR	AD - Adopted Term
ACTION EN ANNULATION DE MARIAGE			FR	AD - Adopted Term
ACTION EN CONTESTATION D'ÉTAT			FR	AD - Adopted Term
ACTION EN CONTESTATION DE FILIATION			FR	AD - Adopted Term
ACTION EN CONTESTATION DE LÉGITIMITÉ			FR	AD - Adopted Term
ACTION EN CONTESTATION DE MATERNITÉ			FR	AD - Adopted Term
ACTION EN CONTESTATION DE PATERNITÉ			FR	AD - Adopted Term
ACTION EN DIVORCE			FR	AD - Adopted Term
ACTION EN DÉSARVEU DE PATERNITÉ			FR	AD - Adopted Term
ACTION EN NULLITÉ DE MARIAGE			FR	AD - Adopted Term
ACTION EN RECHERCHE DE FILIATION			FR	AD - Adopted Term
ACTION EN RÉCLAMATION D'ÉTAT			FR	AD - Adopted Term
ACTION EN RÉCLAMATION DE FILIATION			FR	AD - Adopted Term
ACTION EN SÉPARATION DE BIENS			FR	AD - Adopted Term
ACTION EN SÉPARATION DE CORPS			FR	AD - Adopted Term
ACTION FOR (IN) SEPARATION AS TO (OF) PROPERTY			EN	AD - Adopted Term
ACTION FOR (IN) SEPARATION FROM (AS TO) BED AND BOARD			EN	AD - Adopted Term
ACTION FOR ANNULING MARRIAGE			EN	AD - Adopted Term
ACTION FOR ANNULMENT OF MARRIAGE			EN	AD - Adopted Term
ACTION IN (FOR) DISAVOWAL OF PATERNITY			EN	AD - Adopted Term
ACTION IN CONTESTATION OF FILIATION			EN	AD - Adopted Term
ACTION IN CONTESTATION OF LEGITIMACY			EN	AD - Adopted Term
ACTION IN CONTESTATION OF MATERNITY			EN	AD - Adopted Term
ACTION IN CONTESTATION OF PATERNITY			EN	AD - Adopted Term
ACTION IN CONTESTATION OF STATUS			EN	AD - Adopted Term
ACTION IN NULLITY OF MARRIAGE			EN	AD - Adopted Term
ACTION TO CLAIM FILIATION			EN	AD - Adopted Term
ACTION TO CLAIM STATUS			EN	AD - Adopted Term

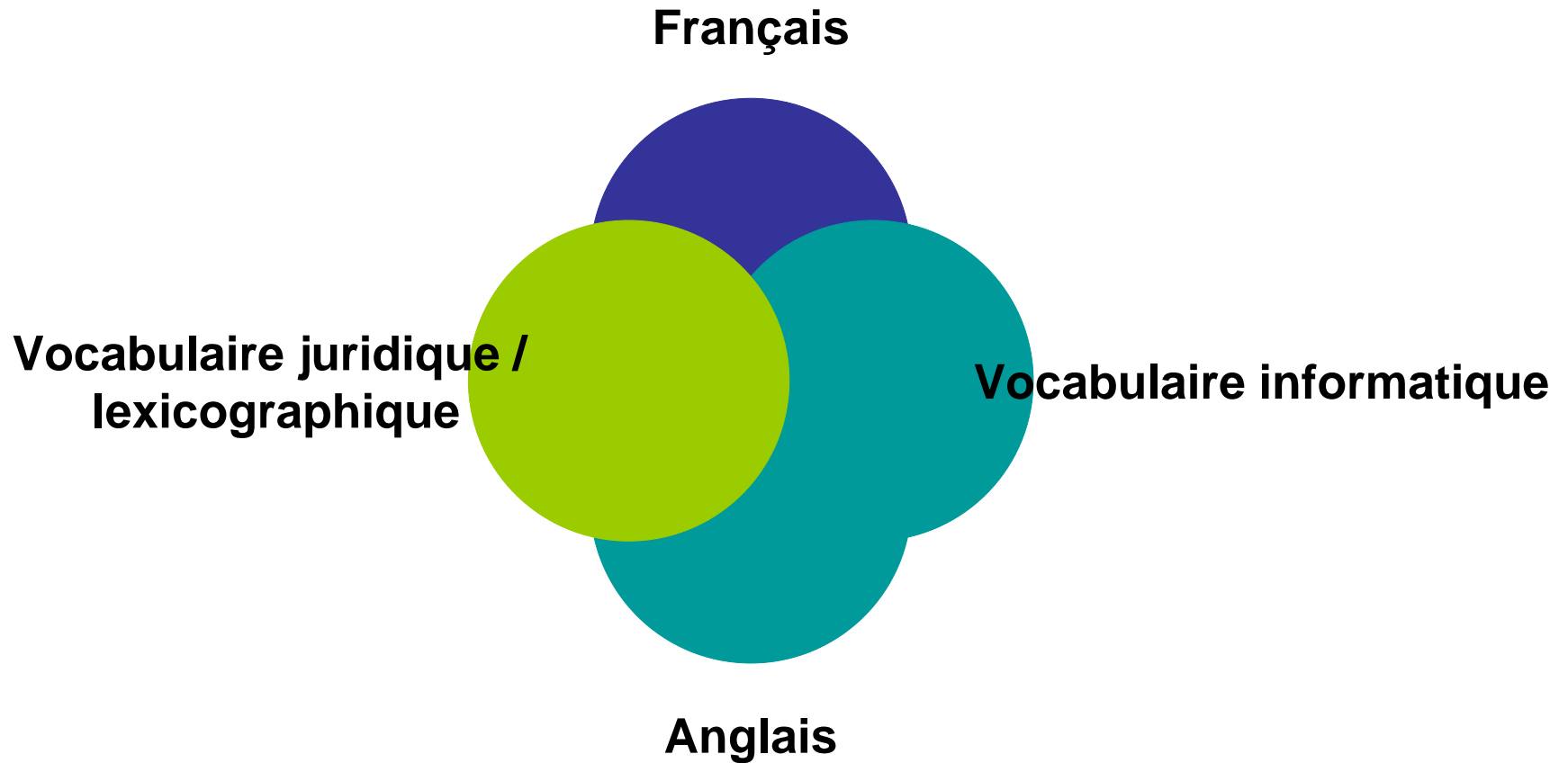
1003 terms displayed.

MairFormTest

Exit

start Windows Live H... VÉRO (crdpcq) ... PCLDSS PCLDSS PCLDSS Definiti... PCLDSS Definiti... Microsoft Powe... PCL Dictionary ... 5:28 PM

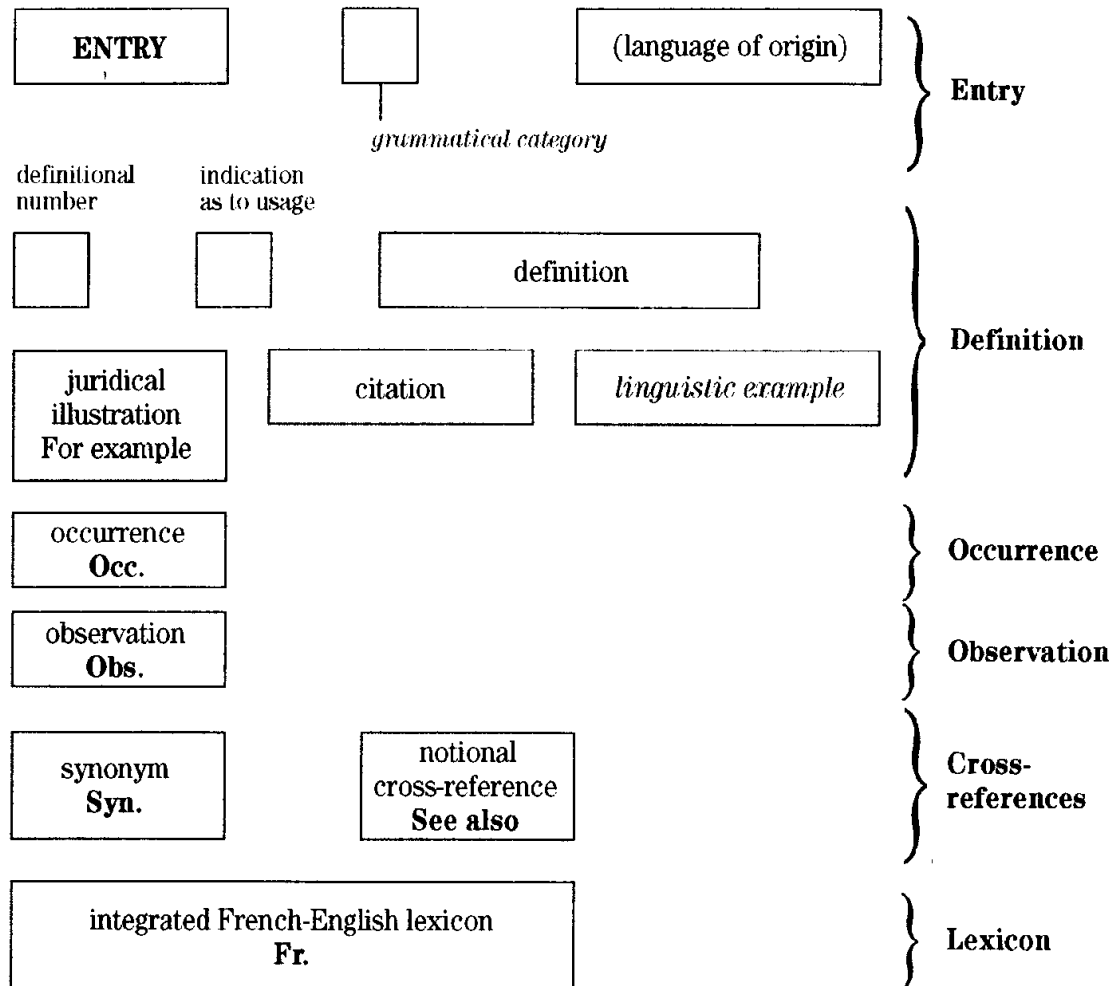
Dialogue – juriste et programmeur



Éléments d'une définition

There follows an explanation of the various elements which may form part of any given entry:

SCHEMA



« Data model » (version 4)

