

The Osgoode Society
For Canadian Legal History



THE SEAL OF THE SOCIETY REFLECTS AN ELEMENT OF THE ARMS OF JOHN BEVERLEY ROBINSON FROM WHOM THE LAND ON WHICH OSGOODE HALL IS BUILT WAS PURCHASED BY THE LAW SOCIETY OF UPPER CANADA IN 1829.

THE OSGOODE SOCIETY WAS INCORPORATED IN MAY OF 1979. IN 1993 IT BECAME THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY. FOUNDED AT THE INITIATIVE OF R. ROY MCMURTRY, A FORMER ATTORNEY GENERAL AND CHIEF JUSTICE OF ONTARIO, AND OFFICIALS OF THE LAW SOCIETY OF UPPER CANADA, ITS PURPOSE IS TO STUDY AND PROMOTE PUBLIC INTEREST IN THE HISTORY OF THE LAW, THE LEGAL PROFESSION AND THE JUDICIARY IN ONTARIO AND ELSEWHERE IN CANADA AND TO STIMULATE RESEARCH AND PUBLICATION ON THESE SUBJECTS.

AMONG THE SOCIETY'S ACTIVITIES ARE ITS PUBLICATIONS PROGRAMME, AN ORAL HISTORY PROGRAMME, AND A RESEARCH SUPPORT PROGRAMME TO ASSIST SCHOLARS DOING RESEARCH IN CANADIAN LEGAL HISTORY. THE SOCIETY'S INTENTION IS THAT ITS ANNUAL PUBLICATION WILL BE FUNDED BY MEMBERSHIP FEES. THE CONTINUATION OF RELATED EFFORTS WILL DEPEND PRIMARILY ON SUPPORT FROM THE LAW FOUNDATION OF ONTARIO AND FROM PATRONS, BENEFACTORS AND SUSTAINING MEMBERS.



The Osgoode Society

For Canadian Legal History

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Editor-In Chief's Report

2016 was another excellent year for the Society. Our three books published this year brought our total to 103 since the publishing programme began in 1981. They also demonstrate, yet again, the richness and variety of both our nation's legal history and our publishing programme. Adoption, commercial litigation, and extradition are not obvious bedfellows, but they all form parts of the fascinating mosaic that is the law, both contemporarily and historically. Collectively these books represent a flying start to our 'second century', as measured by the number of our books, of publication.

Our oral history programme continues to grow, and has been substantially reorganised and modernised. The entire collection is now on our website, and machine searchable, although the interviews are not yet available on the website. These and other improvements to our oral history programme have been spearheaded by our Oral History Co-Ordinator Patricia McMahon. Patricia has transformed how we go about collecting and preserving oral history as an invaluable resource for future historians.

The Society is on solid ground financially, although we can always use more members. We are actively engaged in recruiting, especially among younger members of the profession, and to that end have a number of young Board members whose enthusiasm is inspiring and whose facility with social media and technology generally is remarkable, at least to me.

In October 2016 Philip Girard, Associate Editor, and myself co-chaired the Local Arrangements Committee of the American Society of Legal History's annual conference, held in Toronto. Over 400 people attended, and visitors to Toronto enjoyed a reception at venerable Osgoode Hall, sponsored by

the Society, the Law Society, and both Toronto law schools. It was an excellent opportunity to show a wider audience all that we do and all that makes us, as I like to say, the most successful legal historical organisation in the common law world.

2016 was also a milestone year for us, with the retirement of Marilyn Macfarlane, our Administrator, after more than 30 years with the Society. I write these words with very mixed emotions. On the one hand, we are glad that Marilyn can now enjoy a well-earned retirement. On the other hand, we are truly appreciative of her hard work, loyalty and dedication to the Society. The Society has had three Presidents, two Editors-in-Chief, but only one Administrator! We held a delightful and well-attended dinner at Osgoode Hall in January 2017 to celebrate Marilyn's contributions and to wish her all the best for the future.

We were fortunate to be able to engage a new Administrator, Amanda Campbell, who many members will already know. She has learned her way around the organisation in remarkably quick time, and done an excellent job.

I feel fortunate to hold the position I do and to work with so many dedicated and talented people. I thank especially our President, the Hon. Robert Sharpe, Associate Editor Philip Girard, Treasurer Ian Kyer, Oral History Co-Ordinator Patricia McMahon, and all members of the Board. Board members contribute greatly, both through their sound counsel and through their work on committees.

Professor Jim Phillips
Editor-in-Chief

The Publishing Programme

2016 Publications

In 2016 the Society published three books. In a break from tradition, which we might repeat again, we offered a choice for ‘members book’ of either the Lori Chambers or the Brad Miller volume. The books were:

***A Legal History of Adoption in Ontario, 1921-2015*, by Lori Chambers, Professor of History and Women’s Studies, Lakehead University. Published by the University of Toronto Press.**

Ontario’s first *Adoption Act* was passed in 1921, less than a century ago, and since that time adoption has been an integral part of the history of what we now term family law. Lori Chambers of Lakehead University traces the legal history of adoption from 1921 to the present. She details the origins and passage of the original legislation and its operation through the early decades. Much of this volume is then taken up with the history of more recent decades. Like so many aspects of family law, such as divorce and spouses’ relationship to family property, the recent history of adoption has witnessed a series of profound changes and controversies which have resulted from rapidly evolving ideas about ‘appropriate’ family units and parental and children’s rights. This volume details the socio-political debates and consequent legal changes in a diverse set of areas — the meaning of consent by birth mothers, same-sex adoption, adoption of aboriginal children, international adoption, adoption and immigration policy, and secrecy in adoption records. In analyzing the development of the law Chambers skilfully weaves together statutes and cases with extra-legal debates. Because so many of these controversies have arisen only in the last few decades, this is very much a modern legal history of adoption law. Because the law cannot be said to be settled in so many of these areas, the volume also provides those engaged with adoption law with invaluable historical background.

***Borderline Crime: Fugitive Criminals and the Challenge of the Border, 1819-1914*, by Bradley Miller, Professor of History, University of British Columbia. Published by the University of Toronto Press.**

In the nineteenth century the precise location of the Canadian-American border was often contested, but beyond the realm of trade, did not much figure in the relations between British North America and the United States. Bradley Miller has written the first comprehensive history of cross-border Canadian-American interactions in relation to issues that did emerge and grew more important over time — fugitive criminals, escaped slaves, and refugees. Miller examines the complexity of those interactions, which involved formal legal regimes governed by treaties as well as informal and extra-legal phenomena such as abductions and ground-level ‘customary’ co-operation between low-level officials. All of this is set against the background of a developing international law during the century and evolving ideas about extradition in other parts of the British Empire.

***Law, Debt and Merchant Power: The Civil Courts of Eighteenth-Century Halifax*, by James Muir, Professor of History, University of Alberta. Published by the University of Toronto Press. In *Law, Debt and Merchant Power*.**

James Muir analyses a vital issue in our legal history, but one that has not received nearly enough attention to date. This is a path-breaking study of the every day work of civil law and civil courts, based on the case files themselves and not on reported cases or legal literature or commercial codes. It examines the type of litigation pursued by private economic actors, mostly for debt, how the courts worked, and how the economy operated in a society with very little cash and in which credit was the lifeblood of commerce. Muir employs both quantitative and qualitative analyses of all extant case files and explains how eighteenth-century court procedure worked on the ground. He situates his study against the society and



economy of Halifax, analyzing who sued who and why and how the legal system fitted into and shaped patterns of economic relations and activity. Although the author uses statistics to telling effect, the book never neglects the people behind the numbers, so it is infused throughout with individual stories of success, struggle and failure in a developing and fragile economy in an outpost of empire.

Book Reception

A reception was held at Osgoode Hall, Toronto, on October 27, 2016 to launch the Society's 2016 books.

2017 Publications

In 2017 the Society will be publishing two books. Our members' book is ***Claire L'Heureux Dube: A Life*, by Constance Backhouse, Professor of Law, University of Ottawa. Published by the University of British Columbia Press.**

Claire L'Heureux-Dubé was the second woman appointed to the Supreme Court of Canada, in 1987, and the first from Quebec. This deeply-researched biography takes us from the judge's origins and life in the Quebec of the 1920s to the present, and its portrait of that society in the 1920s through the 1950s greatly enriches the books comprehensive, intimate, and insightful portrait of L'Heureux-Dubé herself. We learn a great deal about the role of women and women lawyers in Quebec society, the Quebec legal profession, legal education and the judiciary, as L'Heureux-Dubé ascended the province's legal hierarchy to the Court of Appeal. Our understanding of the Supreme Court of Canada during the early Charter era is also greatly augmented by this account, which deals with the gender and cultural dynamics, and the relations between Anglophone and Francophone judges, and the jurisprudential debates and controversies of the

period. The book also takes us beyond L'Heureux-Dubé's retirement and into the various high-profile interventions she made into public life, including her contribution to the Charter of Quebec Values controversy. This is a must-read for anybody interested in Canada's and Quebec's modern legal history, in the role of women in law, and in what made this woman judge such a compelling personality.

Our additional optional extra this year is An ***Exceptional Law: Section 98 and the Emergency State, 1919-1936*, by Dennis Molinaro, Department of History, Trent University. Published by the University of Toronto Press.**

Section 98 of the Criminal Code of Canada was passed in 1919 following the Winnipeg general strike as a law aimed at 'unlawful associations.' Its very broad definition of unlawful association meant that it could be used against a wide variety of opponents of the status quo, including left-leaning organizations of various kinds, and labour leaders. Although it was justified as part of the state's 'emergency powers,' it became, Molinaro argues, 'normalized', part of the ordinary fabric of mainstream society's approach to dissent. Like other recent Osgoode Society publications, especially *Security, Dissent and the Limits of Toleration in War and Peace: Canadian State Trials Volume IV, 1914-1939*, *An Exceptional Law* provides a deeply-researched historical account of a current much-debated contemporary question – where is the line between freedom and security to be drawn in a liberal democracy?

A MEMBERSHIP FORM FOR 2017 and a book order form are in this report. Or you can join and/or buy books online, osgoodesociety.ca

A full list of all our previously published books is on our website, osgoodesociety.ca. That list also appears in every Osgoode Society volume.

Patrons of the Society

We are most grateful to our Patrons whose generous support made many of our efforts possible.

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Chernos Flaherty & Svonkin LLP

The Law Foundation of Ontario

McCarthy Tetrault LLP

Osler, Hoskin & Harcourt LLP

Paliare Roland Rosenberg Rothstein LLP

Torys LLP

WeirFoulds LLP

A “Patrons Page” is included in each of our publications. Additional Patrons and Benefactors are most welcome. Patrons contribute between \$2,500.00 and \$5,000.00. We also have a category of Members of the McMurtry Circle, for individuals who wish to support the Society with a \$500 membership. A tax receipt is provided.

The nineteenth Annual Patrons’ Dinner was held on April 6, 2016 at Osgoode Hall in the Benchers’ Dining Room. The dinner was hosted by Paul Schabas, Treasurer of the Law Society of Upper Canada, and chaired by the Hon. Robert Sharpe, President of the Society. The purpose of the dinner is to honour Society Patrons whose generosity makes possible the continuation of much of our work. The Osgoode Society thanks the Law Society of Upper Canada for hosting and sponsoring the Patrons’ Dinner.

Membership

	2015	2016
Student	91	60
Individual	495	390
Individual Sustaining	162	164
Other	2	2
	750	616

Individual Sustaining Members

Mr. Raj Anand

D.T. Anderson

Dr. Philip Anisman

The Hon. Robert Armstrong

Mr. Timothy Baikie

Ms. Joan Barrett

Mr. Thomas Bastedo

The Hon. Douglas Bean

Prof. John Beattie

Ms. Robyn Ryan Bell

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Prof. Barrington Walker
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Mr. John R. Wilson
Mr. Seumas Woods
Mr. Robert Yalden
York University. Law Library

Awards

The Society offers or administers a number of awards.

R. Roy McMurtry Fellowship. In 2016 we awarded the ninth R. Roy McMurtry Fellowship in Canadian Legal History. This fellowship was created on the occasion of the retirement as Chief Justice of Ontario of the Hon. R. Roy McMurtry. It honours the contribution to Canadian legal history of the founder of the Osgoode Society for Canadian Legal History and its current President. The fellowship was established by Chief Justice McMurtry's friends and colleagues, and endowed by private donations and the Law Foundation of Ontario. The fellowship is to support graduate (preferably doctoral) students or those with a recently completed doctorate, to conduct research in Canadian legal history, for one year.

The 2016 winner was Jacqueline Briggs, a doctoral student in criminology at the University of Toronto, for work on a long-standing legal aid programme for indigenous defendants. The Osgoode Society congratulates the winner, chosen from a very strong field of applicants, and is delighted that the fellowship has been awarded to such worthy researchers.

Peter Oliver Prize. The Peter Oliver Prize in Canadian Legal History is named for the Society's founding editor-in-chief, and awarded annually for published work in Canadian legal history written by a student. Students in any discipline and at any stage of their careers are eligible.

The 2016 winner was Dennis Molinaro, for "Section 98: The Trial of *Rex v. Buck et al* and the 'State of Exception' in Canada, 1919-1936," in Barry Wright, Eric Tucker and Susan Binnie, eds., *Canadian State Trials Volume IV: Security, Dissent, and the Limits of Toleration in War and Peace, 1914-1939* (Toronto: Osgoode Society for Canadian Legal History and University of Toronto Press, 2015)

John T. Saywell Prize for Canadian Constitutional Legal History. This prize, established through the generosity of Professor Saywell's son John MacIntosh and in recognition of Professor Saywell's life-long commitment to the highest standards of scholarship in Canadian history and law, is given bi-annually to the best new book in Canadian legal history, broadly defined, that makes an important contribution to an understanding of the constitution and/or federalism. The prize was not awarded in 2016. It will be awarded again in 2017.

STUDENT BOOK AWARD

The Society in co-operation with Canadian law schools offers an annual book award to a graduating student deemed to have done excellent work in legal history. The Society provides one book from its back list and a current membership, including the annual publication, to such a student in each participating Canadian Law School.



THEODOR KERZNER Q.C. RESEARCH GRANTS

The Society provides research grants to people undertaking scholarly research into any aspect of Canadian legal history. Faculty and graduate students at Universities are eligible, as are independent scholars. These grants, which are unlikely to exceed \$3,000 per person, are given to defray research expenses connected with any project in any field of Canadian legal history. The Theodor Kerzner Q.C. Research Grants programme was created in 2016 to honour the memory of Theodor (Ted) Kerzner, Q.C. a long-time member of the Osgoode Society, a very generous benefactor of the Society, and a lawyer who took a keen interest in legal education and legal scholarship in many fields, especially legal history

There are no application forms. Applicants should describe their project and include a budget and a curriculum vitae. The deadline for requests to be considered at our spring Board meeting is March 31st. The deadline for our September Board meeting is August 31st. Money granted in a calendar year needs to be spent in the same calendar year. Thus grants made in the spring must be expended the same year. Grants made in September can be for either the same calendar year, or the following one, but not both.

Successful applicants undertake to acknowledge the support of the Theodor Kerzner Q.C. Research Grants Programme in any publications which result, in whole or in part, from a Theodor Kerzner Q.C. Research Grant.

In 2016 five grants were made under this programme, for a total of \$11,115.

Oral History

The Society's Oral History Programme is a unique and invaluable source of information on all aspects of our legal past. The interviews have been used extensively in scholarly research and the programme has gained a wide reputation across Canada and beyond for the quality and scope of its work. Several

of our projects over the years have been funded, for example by law firms, judges' associations etc., and we are pleased to discuss possible by partnerships with outside organisations. We currently have such a partnership with the Ontario Conference of Judges.

Most of the interviews are conducted by people we engage to do so. The assistance of volunteer interviewers remains important. If you wish to act as a volunteer interviewer, please contact the Society.

The number of legal professionals interviewed through the programme since 1979 now totals well over 600, with approximately 98,000 pages of transcript. For a complete listing of all interviews conducted for the Osgoode Society oral history programme, consult our website — www.osgoodesociety.ca.

Patricia McMahon is our Oral History Co-Ordinator. For more information contact patricia.mcmahon@rogers.com.

In 2016 they have been 13 interviews were completed. Interviewees were:

Murray Ellies
Julian Falconer
John Gregory
Donna Hackett
Joan Hodgson
Mark Lerner
Jean-Marc Labrosse
Mayka Omatsu
Gregory Regis
Paul Reinhardt
Marietta Roberts
Paul Taylor
Thomas Zuber

In 2016 three interviews were in progress. Interviewees are:

Philip Epstein
Laurie Pawlitzka
Janet Minor

Directors and Annual Meeting

Meetings of the Board of Directors were held on January 25, April 21, September 8 and November 28, 2016.

The Annual Meeting of Members was held on June 20th, 2016, at Osgoode Hall. At the annual meeting the following were unanimously elected as Directors of the Osgoode Society:

Dr. Susan Binnie
Mr. David Chernos, Chernos Flaherty
& Svonkin LLP
Mr. J. Douglas Ewart
Mr. Timothy Hill
Mr. William Kaplan
Mr. C. Ian Kyer, RPM Technologies
Ms. Virginia MacLean, Q.C., Barrister & Solicitor
The Hon. R. Roy McMurtry, Hull & Hull LLP
Mr. Dana Peebles, McCarthy Tetrault LLP
The Hon. Paul Perell, Superior Court of Justice
The Hon. Paul H. Reinhardt, Ontario Court
of Justice
Mr. William Ross, WeirFoulds LLP
Ms. Linda Rothstein, Paliare Roland Rosenberg
Rothstein LLP
Mr. Paul Schabas, Blake, Cassels & Graydon LLP
The Hon. Robert Sharpe, Court of Appeal
for Ontario
Mr. Jonathan Silver, Torys
Mr. Alex Smith, Henein Hutchinson LLP
Dean Lorne Sossin, Osgoode Hall Law School
Ms. Mary Stokes, Legge & Legge
The Hon. Michael Tulloch, Court of Appeal
for Ontario

(The Treasurer of The Law Society of Upper Canada, the Attorney General for Ontario, are directors ex officio.)

The annual meeting was addressed by Professor Bradley Miller on his book, *Boarderline Crime: Fugitive Criminals and the Challenge of the Boarder, 1819-1914*, one of the two choices for members book for 2016.

The Osgoode Society Officers

PRESIDENT

The Hon. Robert Sharpe

EDITOR-IN-CHIEF

Professor Jim Phillips

ASSOCIATE EDITOR

Professor Philip Girard

ORAL HISTORY CO-ORDINATOR

Dr. Patricia McMahon

TREASURER

C. Ian Kyer

ADMINISTRATOR

Amanda Campbell

The Board operates with the assistance of various committees. Members interested in joining a committee should contact the chair of the committee. The committees are:

MEMBERSHIP

Chair Virginia MacLean, Mahmud Jamal, Bevan Brooksbank, Robert Sharpe, Jon Silver, Jim Phillips,

NOMINATION AND GOVERNANCE

Chair Bill Ross, Patricia McMahon, Robert Sharpe, Jim Phillips

ORAL HISTORY

Co-Chairs Paul Reinhart and Patricia McMahon, Douglas Ewart, Jim Phillips

COMMUNICATIONS

Chair Mary Stokes, Philip Girard, Ian Kyer, Jon Silver, Jim Phillips

The Directors welcome inquiries and suggestions on any aspect of the work of the Society.

Osgoode Hall

May, 2016





The Osgoode Society
For Canadian Legal History

FINANCIAL STATEMENTS

December 31, 2016



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INDEPENDENT AUDITORS' REPORT

To the Members of The Osgoode Society for Canadian Legal History:

Report on the Financial Statements

We have audited the accompanying financial statements of The Osgoode Society for Canadian Legal History, which comprise the statement of financial position at December 31, 2016 and the statements of operations, changes in net assets and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian Accounting Standards for Not-for-Profit Organizations and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditors consider internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Basis for Qualified Opinion

As with many charitable organizations, the Society derives revenue from donations, the completeness of which is not susceptible to satisfactory audit verification. Accordingly, our verification of donations was limited to the amounts recorded in the records of the Society and we were not able to determine whether any adjustments might be necessary to donations, operations for the year, assets and net assets.

Qualified opinion

In our opinion, except for the possible effects of the matter described in the Basis for Qualified Opinion paragraph, the financial statements present fairly, in all material respects, the financial position of The Osgoode Society for Canadian Legal History as at December 31, 2016 and the results of its operations and its cash flows for the year then ended in accordance with Canadian Accounting Standards for Not-for-Profit Organizations.

Chartered Accountants
Licensed Public Accountants

Toronto, Ontario
April 13, 2017



469 King Street West, 2nd Floor Toronto, Ontario M5V 1K4	MONTE-LISI & SMITH <hr/> C H A R T E R E D A C C O U N T A N T S	T 416.363.5105 F 416.363.6030
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THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY
 (Incorporated without share capital under the laws of the Province of Ontario)

STATEMENT OF FINANCIAL POSITION
AS AT DECEMBER 31, 2016

	Theodor Kerzner, Q.C. Fund \$	Stuart Thom Fund \$	Peter Oliver Memorial Student Fund \$	John T. Saywell Prize Fund \$	John T. Saywell Endowment \$	Honourable R. Roy McMurtry Legal History Fellowship Fund \$	2016 \$
	Note 2	Note 3	Note 4	Note 5	Note 5	Note 6	
ASSET							
CURRENT							
Cash	-	-	-	-	-	5,408	5,408
Investments (Notes 5, 6, 7)	21,955	56,829	4,285	5,472	25,000	484,891	598,432
Accounts receivable	-	-	-	-	-	-	27,190
Due from the general fund	39,714	7,212	-	159	-	-	47,085
Prepaid expenses	3,832	-	-	-	-	-	3,832
Publication inventory (Note 8)	54,327	-	-	-	-	-	54,327
	85,349	64,041	4,285	5,631	25,000	490,299	736,274
	10,251	-	-	-	-	-	10,251
CAPITAL ASSETS (Note 9)	95,600	64,041	4,285	5,631	25,000	490,299	746,525
LIABILITIES							
CURRENT							
Bank indebtedness	62	-	-	-	-	-	62
Accounts payable and accrued liabilities	43,233	-	-	-	-	-	43,233
Due to restricted funds	47,085	-	-	-	-	-	47,085
Deferred revenue	920	-	-	-	-	-	920
	91,300	-	-	-	-	-	91,300
NET ASSETS	4,300	64,041	4,285	5,631	25,000	490,299	655,225

APPROVED ON BEHALF OF THE MEMBERS:

 Director

Director

 Director

SEE ACCOMPANYING NOTES

THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY
 (Incorporated without share capital under the laws of the Province of Ontario)

STATEMENT OF FINANCIAL POSITION
AS AT DECEMBER 31, 2015

	General \$	Theodor Kerzner, Q.C. Fund \$	Stuart Thom Fund \$	Peter Oliver Memorial Student Fund \$	John T. Saywell Prize Fund \$	John T. Saywell Endowment \$	Honourable R. Roy McMurtry Legal History Fellowship Fund \$	2015 \$
	Note 2	Note 3	Note 4	Note 5	Note 5	Note 6		
ASSET								
CURRENT								
Cash	52,936	-	-	-	159	-	13,408	66,503
Investments	5,325	100,000	91,945	4,587	5,083	25,000	479,719	711,659
Accounts receivable	29,083	-	-	-	-	-	-	29,083
Prepaid expenses	3,830	-	-	-	-	-	-	3,830
Publication inventory (Note 8)	42,085	-	-	-	-	-	-	42,085
	133,259	100,000	91,945	4,587	5,242	25,000	493,127	853,160
CAPITAL ASSETS (Note 9)	12,830	-	-	-	-	-	-	12,830
	146,089	100,000	91,945	4,587	5,242	25,000	493,127	865,990
LIABILITIES								
CURRENT								
Accounts payable and accrued liabilities	44,819	-	-	-	-	-	-	44,819
Deferred revenue	90,324	-	-	-	-	-	-	90,324
	135,143	-	-	-	-	-	-	135,143
NET ASSETS	10,946	100,000	91,945	4,587	5,242	25,000	493,127	730,847





THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

STATEMENT OF OPERATIONS FOR THE YEAR ENDED DECEMBER 31, 2016

	General	Theodor Kerzner, Q.C. Fund	Stuart Thom Fund	Peter Oliver Memorial Student Fund	John T. Saywell Prize Fund	John T. Saywell Endowment	Honourable R. Roy McMurtry Legal History Fellowship Fund	2016
	\$	\$	\$	\$	\$	\$	\$	\$
REVENUE								
Law Foundation of Ontario grants	180,405	-	-	-	-	-	-	180,405
Membership fees	40,169	-	-	-	-	-	-	40,169
Fundraising	30,000	-	-	-	-	-	-	30,000
Book sales	13,213	-	-	-	-	-	-	13,213
Other	7,881	-	-	-	-	-	-	7,881
Investment income	2,147	-	-	-	389	-	5,172	7,708
Donations	790	-	-	-	-	-	6,000	6,790
	274,605	-	-	-	389	-	11,172	286,166
EXPENDITURES								
Society programmes								
Publications (Notes 8)	69,858	-	-	-	-	-	-	69,858
Oral history (Note 10)	28,756	30,210	-	-	-	-	-	58,966
Research support (Note 10)	22,500	5,108	-	-	-	-	-	27,608
Editorial and programme support (Note 10)	26,189	-	-	-	-	-	-	26,189
Grants and awards (Notes 2, 3, 4, 6)	-	3,013	5,400	302	-	-	14,000	22,715
Membership and promotion (Note 10)	13,305	-	-	-	-	-	-	13,305
Events	2,962	-	-	-	-	-	-	2,962
	163,570	38,331	5,400	302	-	-	14,000	221,603
Administration								
Administration (Note 10)	59,603	-	-	-	-	-	-	59,603
Office	38,898	-	-	-	-	-	-	38,898
Professional fees	24,735	-	-	-	-	-	-	24,735
Website	-	-	13,310	-	-	-	-	13,310
Amortization	2,579	-	-	-	-	-	-	2,579
Bad debt	1,060	-	-	-	-	-	-	1,060
	126,875	-	13,310	-	-	-	-	140,185
Total expenditures	290,445	38,331	18,710	302	-	-	14,000	361,788
EXCESS (DEFICIENCY) OF REVENUE OVER EXPENDITURES	(15,840)	(38,331)	(18,710)	(302)	389	-	(2,828)	(75,622)

SEE ACCOMPANYING NOTES

THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

STATEMENT OF OPERATIONS FOR THE YEAR ENDED DECEMBER 31, 2015

	General	Theodor Kerzner, Q.C. Fund	Stuart Thom Fund	Peter Oliver Memorial Student Fund	John T. Saywell Prize Fund	John T. Saywell Endowment	Honourable R. Roy McMurtry Legal History Fellowship Fund	2015
	\$	\$	\$	\$	\$	\$	\$	\$
REVENUE								
Law Foundation of Ontario grants	194,600	-	-	-	-	-	-	194,600
Donations	1,046	100,000	-	-	-	-	6,000	107,046
Membership fees	47,388	-	-	-	-	-	-	47,388
Book sales	25,837	-	-	-	-	-	-	25,837
Fundraising	22,500	-	-	-	-	-	-	22,500
Events	15,399	-	-	-	-	-	-	15,399
Investment income	2,397	-	-	-	445	-	6,650	9,492
Other	9,016	-	-	-	-	-	-	9,016
Government grant	7,500	-	-	-	-	-	-	7,500
	325,683	100,000	-	-	445	-	12,650	438,778
EXPENDITURES								
Society programmes								
Publications (Note 8)	102,937	-	-	-	-	-	-	102,937
Oral history (Note 10)	41,385	-	10,000	-	-	-	-	51,385
Editorial and programme support (Note 10)	31,354	-	-	-	-	-	-	31,354
Grants and awards (Notes 3, 4, 5, 6)	-	-	4,917	245	2,000	-	13,000	20,162
Events	18,312	-	-	-	-	-	-	18,312
Membership and promotion (Note 10)	17,032	-	-	-	-	-	-	17,032
Research support (Note 10)	17,000	-	-	-	-	-	-	17,000
	228,020	-	14,917	245	2,000	-	13,000	258,182
Administration								
Administration (Note 10)	61,697	-	-	-	-	-	-	61,697
Office	36,110	-	-	-	-	-	18	36,128
Professional fees	22,026	-	-	-	-	-	-	22,026
Website	10,315	-	-	-	-	-	-	10,315
Amortization	3,217	-	-	-	-	-	-	3,217
Bad debt	381	-	-	-	-	-	-	381
	133,746	-	-	-	-	-	18	133,764
Total expenditures	361,766	-	14,917	245	2,000	-	13,018	391,946
EXCESS (DEFICIENCY) OF REVENUE OVER EXPENDITURES	(36,083)	100,000	(14,917)	(245)	(1,555)	-	(368)	46,832

SEE ACCOMPANYING NOTES





THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

STATEMENT OF CHANGES IN NET ASSETS FOR THE YEAR ENDED DECEMBER 31, 2016

	General	Theodor Kerzner, Q.C. Fund	Stuart Thom Fund	Peter Oliver Memorial Student Fund	John T. Saywell Prize Fund	John T. Saywell Endowment	Honourable R. Roy McMurtry Legal History Fellowship Fund	2016	2015
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Beginning of the year	10,946	100,000	91,945	4,587	5,242	25,000	493,127	730,847	684,015
Excess (deficiency) of revenue over expenditures	(15,840)	(38,331)	(18,710)	(302)	389	-	(2,828)	(75,622)	46,832
Transfers (Note 3)	9,194	-	(9,194)	-	-	-	-	-	-
End of year	4,300	61,669	64,041	4,285	5,631	25,000	490,299	655,225	730,847

NET ASSETS

THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

STATEMENT OF CASH FLOWS

FOR THE YEAR ENDED DECEMBER 31, 2016

	2016 \$	2015 \$
CASH, beginning of the year	778,162	762,626
CASH FLOW FROM OPERATING ACTIVITIES		
Grants	93,391	163,231
Membership and book sales	56,914	69,729
Fundraising and donations	30,790	123,546
Investment income	2,147	2,397
John T. Saywell Prize	389	(1,555)
Other	342	249
Special projects	(1,836)	(1,227)
Honourable R. Roy McMurtry Legal History Fellowship	(4,828)	(3,368)
Membership	(21,667)	(21,025)
Editorial, programme and research support	(53,797)	(49,434)
Oral history	(72,592)	(42,049)
Publication	(79,861)	(82,938)
Administrative	(123,776)	(127,050)
	(174,384)	30,506
CASH FLOW FROM INVESTING ACTIVITIES		
Capital asset additions	-	(14,970)
CASH, end of the year	603,778	778,162
CASH CONSISTS OF:		
Cash	5,408	66,503
Bank indebtedness	(62)	-
Investments, other	598,432	711,659
	603,778	778,162

SEE ACCOMPANYING NOTES



THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

NOTES TO FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2016

PURPOSE OF THE ORGANIZATION

The Society was formed to study and promote public interest in the history of the law, the legal profession and the judiciary in Ontario and elsewhere in Canada and to stimulate research and publication on these subjects.

The Society meets these objectives by publishing books on Canadian legal history, sponsoring the collection of oral histories from individuals within the legal community, maintaining a website devoted to Canadian legal history, providing research and publication grants, and sponsoring and hosting legal history seminars.

The Society is incorporated, without share capital, under Letters Patent. The Society has been granted tax exempt status as a charitable organization under the Income Tax Act of Canada (the "Act"). In order to maintain the exempt status, the Society must meet certain requirements within the Act. In the opinion of management, these requirements have been met.

1. SIGNIFICANT ACCOUNTING POLICIES

These financial statements were prepared in accordance with Canadian Accounting Standards for Not-for-Profit Organizations and are in accordance with Canadian generally accepted accounting principles.

(a) Fund accounting

The Association uses fund accounting. General activities are reflected in the General Fund.

(b) Investments

Investments consist of Guaranteed Investment Certificates. Investments are initially recorded at cost with interest recorded as earned.

(c) Publication inventory

Inventory, which consists of books available for sale, is carried at the lower of cost and net realizable value, as measured using the specific identification method

(d) Capital assets

Capital assets are recorded at cost. Amortization is provided annually at rates calculated to write off the assets over their estimated useful lives as follows:

Office equipment	20% declining balance
Computer equipment	45% declining balance

(e) Financial instruments

The Society's financial instruments comprise cash, investments, accounts receivable, accounts payable and accrued liabilities, and deferred revenue.

Cash, accounts receivable, accounts payable and accrued liabilities, and deferred revenue are reported at the fair value at the balance sheet date, which equates to the carrying value.



THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

NOTES TO FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2016

1. SIGNIFICANT ACCOUNTING POLICIES, continued

(f) Revenue recognition

Revenue is recognized when it is received or receivable, if the amount can be reasonably estimated and if collection is reasonably assured. Deferred revenue represents the portion of grants not yet expended as required.

Membership fees are recognized as revenue when application for membership is received. Each member is entitled to receive the 'membership book' of the year as part of their membership fee.

Grants are recognized as revenue in the period to which they relate, or when costs for which the funds were granted are expended.

Book sales are recognized as revenue when the books are shipped.

Fundraising is recognized as revenue when received.

Donations are recognized as revenue when received.

Investment income is recognized as revenue in period in which it is earned.

(g) Cash and cash equivalents

The Society considers deposits in banks and investments in certificates of deposit as cash and cash equivalents.

(h) Contributed goods and services

Volunteers contribute numerous hours each year to assist the Society in carrying out its activities. The fair value of the contributed services cannot be reasonably estimated and are not recognized in the financial statements.

The Law Society of Upper Canada provides office services to the Society, including rent, telephone and computer assistance, the fair market value of which is not readily available. As such, the value recorded is the amount actually paid.

(i) Allocation of expenses

Staffing costs for general support, including office administration and editorial support are allocated to functional areas disclosed in the statement of operations based on an estimate of the percentage of time spent by personnel on activities related to each function.

2. THEODOR KERZNER, Q.C. FUND

The Theodor Kerzner, Q.C. Fund was established by the Board of Directors in 2015, from funds donated by the Estate of Theodor Kerzner. This fund is intended to provide financing for projects to augment the Society's operations.

For ease and efficiency of managing the investments, these funds have been commingled with the Society's investments (See Note 7). The Society is entitled to use the investment income from the Theodor Kerzner, Q.C. Fund for its operations. For fiscal 2016, no investment income (2015 - \$nil) was allocated to the Theodor Kerzner, Q.C. Fund.



THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

NOTES TO FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2016

3. STUART THOM FUND AND STUART THOM SPECIAL PROJECTS FUND

The Stuart Thom Fund was established in 1998 from funds donated by the Thom family and a portion of net assets restricted by the Board of Directors. For ease and efficiency of managing the investments, these funds have been commingled with the Society's investments (see Note 7).

The Society is entitled to use the investment income from The Stuart Thom Fund for its operations. At its discretion, the Board of Directors may allocate investment income and any other amounts, to the Fund. For fiscal 2016, no investment income (2015 - \$nil) was allocated to the Stuart Thom Fund. A transfer was made from The Stuart Thom Fund to the General Fund to offset a portion of the deficit realized in the year.

The Stuart Thom Special Projects Fund was established by the Board of Directors in 2009 and represents an allocation of net assets previously restricted by the Board as part of the Stuart Thom Fund. This fund is to be used for projects that significantly advance the mission of the Society, to a maximum of \$30,000 per annum, at the discretion of the Board of Directors. For ease and efficiency of managing the investments, these funds have been commingled with the Society's investments (see Note 7).

The Society is entitled to use the investment income from The Stuart Thom Special Projects Fund for its operations. At its discretion, the Board of Directors may allocate investment income and any other amounts to the Fund. For fiscal 2016 no investment income (2015 - \$Nil) was allocated to the Stuart Thom Special Projects Fund.

The components of the The Stuart Thom Fund are as follows:

	Stuart Thom Fund	Stuart Thom Special Projects Fund	Total
	\$	\$	\$
Net assets, opening	9,194	82,751	91,945
Excess (deficiency) of revenue over expenditures	-	(18,710)	(18,710)
Transfers	(9,194)	-	(9,194)
Net assets, ending	-	64,041	64,041

4. PETER OLIVER MEMORIAL STUDENT FUND

The Peter Oliver Memorial Student Fund was created in 2006 to provide an annual award for published work by a student, or students, in the field of Canadian legal history. The award includes a copy of the current year's publication, a copy of the Peter Oliver Essay volume and any five books from the back publications list.

5. JOHN T. SAYWELL PRIZE FUND

The John T. Saywell Prize for Canadian Constitutional Legal History ("Saywell Prize") was created in 2008. An award of \$2,000 is granted bi-annually to the author of the best new book in Canadian legal history that makes an important contribution to an understanding of the constitution and or federalism. The prize is to be funded from investment income on a \$25,000 endowment and related contributions.

THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

NOTES TO FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2016

5. JOHN T. SAYWELL PRIZE FUND, continued

The \$25,000 contribution received in 2008 for the Saywell Endowment Fund is subject to externally imposed restrictions stipulating that the resource is to be maintained permanently. Investment income on this balance is restricted to fund the John T. Saywell Prize for Canadian Constitutional Legal History and is included in revenue of the John T. Saywell Prize Fund.

The funds for the Saywell Prize and Saywell Endowment are invested in Guaranteed Investment Certificates, maturing August 17, 2017, earning interest at 1.3%.

6. HONOURABLE R. ROY MCMURTRY LEGAL HISTORY FELLOWSHIP FUND

The Honourable R. Roy McMurtry Legal History Fellowship (the "McMurtry Fellowship") was established in 2006 to enable students and post-doctoral candidates in Canadian legal history to undertake or continue their studies, writing and research in the field.

Investment income earned on the funds represent restricted contributions to the fellowship.

The Law Society Foundation has agreed to provide an annual contribution to the McMurtry Fund of \$6,000, ending in 2017.

During the year the Directors chose to pay \$14,000 of the \$16,000 award from the McMurtry Fund, with the balance of \$2,000 paid from the Theodor Kerzner, Q.C. Fund (see *Note 2*).

Under the terms of an Investment Services Agreement between Osgoode and the Law Society of Upper Canada ("LSUC"), LSUC manages the investments related to the McMurtry Fellowship.

Investments of the McMurtry Fellowship consist of a Guaranteed Investment Certificate, maturing September 8, 2017, earning interest of 1.075%.

7. INVESTMENTS

Investments are carried at cost plus interest accrued to the balance sheet date.

Investments for the General Fund, Theodor Kerzner, Q.C. Fund, Stuart Thom Fund, Stuart Thom Special Projects Fund and Peter Oliver Memorial Student Fund are commingled for ease of management. These investments consist of Guaranteed Investment Certificates, maturing January 20, 2017 and August 22, 2017, earning interest at rates of 1.35% and 0.95%.

8. PUBLICATION INVENTORY

Included in publication programme costs is a write down of \$29,012 (2015 - \$27,040) required to reflect inventory at the lower of cost and net realizable value.

9. CAPITAL ASSETS

	Cost	Accumulated Amortization	Net 2016	Net 2015
	\$	\$	\$	\$
Office equipment	18,400	8,149	10,251	12,814
Computer equipment	-	-	-	16
	<u>18,400</u>	<u>8,149</u>	<u>10,251</u>	<u>12,830</u>



THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

NOTES TO FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2016

10. ALLOCATION OF EXPENSES

Staffing costs are allocated to functions reported in the statement of operations as follows:

	<u>2016</u>	<u>2015</u>
	\$	\$
Editorial and programme support	26,189	31,354
Administration	59,603	61,697
Membership and promotion	10,564	10,854
Oral history	26,786	27,635
Research support	22,500	17,000
	<u>145,642</u>	<u>148,540</u>

11. COMMITMENTS

The Society fulfills its mandate in part through providing research grants. As at December 31, 2016, the Society has outstanding commitments of \$5,805 (2015 - \$2,482) to be expended on research and related projects.

The 2016 McMurtry Fellowship includes a commitment to pay the second installment of a fellowship, \$8,000, in 2017.

These amounts have not been recognized as liabilities of the Society as the terms requiring payment have not been met.

12. FINANCIAL INSTRUMENTS

The Society's financial investments comprise short term deposits, the main purpose of which is to provide financing for the organization's activities. It is the Society's policy that investments are redeemed as cash flow dictates. The Society has various other financial assets and liabilities such as accounts receivables and accounts payables, which arise directly from operations. The main risk arising from the Society's financial instruments are interest rate risk and credit risk.

(a) Interest Rate Risk Exposure

Exposure to the risk of changes in market interest rates relates to the Society's cash and investment balances. The Society manages this risk by investing in fixed rate investment instruments.

(b) Credit Risk Exposure

Credit risk on the financial assets of the Society equates to the carrying amount. The Society carries receivables from members of the organization and recognized third parties. Accounts receivable balances are monitored on a regular basis to minimize exposure to bad debt. Credit risk associated with cash and investments is limited to the risk of default by the counter party, with a maximum exposure equal to the carrying amount of these assets.

13. COMPARATIVE FIGURES

Certain of the prior year's figures have been reclassified to conform with the current year's presentation.



The Osgoode Society
For Canadian Legal History

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