

*The Osgoode Society*  
For Canadian Legal History





THE SEAL OF THE SOCIETY, REPRODUCED ON  
THE COVER OF THIS REPORT, 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*

For Canadian Legal History

OSGOODE HALL

130 QUEEN STREET WEST

TORONTO, ONTARIO. M5H 2N6

TELEPHONE - 416-947-3321

FAX NO. - 416-947-3447

E-MAIL - mmacfarl@lsuc.on.ca

WEBSITE - osgoodesociety.ca

IT IS IMPORTANT THAT THE SOCIETY BE  
INFORMED PROMPTLY OF ANY CHANGE OF  
A MEMBER'S ADDRESS.

PHOTO CREDIT: THE TORONTO STAR/B. SPREMO, C.M.

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## *Introduction*

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.



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## Editor's Report

In early February of this year our members' book for 2012, *Arming and Disarming: A History of Gun Control in Canada*, was the subject of an extensive discussion on the Radio-Canada show *Medium Large*. Francis Langlois, a history professor at the Cégep de Trois-Rivières, discussed the book in detail, and gave it high praise as an exemplary piece of scholarship and the definitive study of the topic in Canada. *Arming and Disarming* has also been featured in a number of other media stories across the country, and received an excellent review in the *Literary Review of Canada*. All of this suggests to me that the Osgoode Society is doing exactly what it is supposed to do – publishing first-rate scholarly work which attracts the interest not just of the legal profession and the academic world, but of a broader reading audience wanting a deeper knowledge of our national legal history and the ways in which that history continues into and shapes our current world.

In 2012 our publication programme produced an additional three first class books (discussed below), rich in their variety of topics and regions and of exemplary scholarly quality. One of those books, *Hunger, Horses and Government Men*, has been short-listed for the Canadian Historical Association's Sir John A. Macdonald Prize for 2012, given for the best book in Canadian history. My work as editor-in-chief on this part of our mandate has been greatly assisted by our Associate Editor, Professor Philip Girard, who has recently re-located

to Osgoode Hall Law School from Dalhousie. And we have lots more to come – see the discussion below of our 2013 books, led by the *Memoirs and Reflections* of R. Roy McMurtry.

The oral history programme, our other principal activity, also continues on a steady course. We have now interviewed almost 600 people, and are always receptive to members' suggestions about who we should include. In addition to interviewing prominent members of the profession on our own behalf, we are continuing with co-operative ventures with the judges of the Ontario Court of Justice and the Advocates Society, and with our 'Main Street not Bay Street' initiative.

Members should also check out our new website, which allows memberships and books to be purchased on-line. Like all such ventures it is a work in progress, and in particular, now that the site is up and running, we will be rapidly expanding our new information resource on the site, the Encyclopedia of Canadian Legal History. Check us out at [www.osgoodesociety.ca](http://www.osgoodesociety.ca).

I look forward to another successful year, working with our President, Roy McMurtry, Associate Editor Philip Girard and the dedicated Board of Directors. Our administrator Marilyn MacFarlane is invaluable in supporting all the work we do and in running the organisation with superb skill and dedication.

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## The Publishing Programme

In 2012 The Society published four books.

### ANNUAL BOOK

***Arming and Disarming: A History of Gun Control in Canada*, by R. Blake Brown, Professor of History, St Mary's University.**

Although we may think of it as only a contemporary concern, at many times in our history Canadian governments have evinced concern about gun ownership and use. In the first comprehensive history of the subject, Blake Brown looks at gun use

and regulation from the early periods of European settlement to the controversy over the gun registry. He shows that rural and urban Canadians have always had very different views about firearms. He also demonstrates that our governments' attitudes towards guns have been complex. At different times governments sought to restrict certain types of guns, or to restrict gun ownership among certain people and in certain locales. On other occasions governments encouraged gun ownership, seeing it as a manly pursuit useful for training citizens to be well versed in the practice of using firearms.

## OPTIONAL EXTRAS

We offered members *three* optional extras.

**1. *Property on Trial: Canadian Cases in Context*, edited by Eric Tucker, Professor, Osgoode Hall Law School, Bruce Ziff and James Muir, Professors, University of Alberta Law School.**

This is another volume examining important Canadian cases by exploring their social, political and economic background, similar to *Work on Trial* (2010) and *Race, Rights and Law in the Supreme Court of Canada* (1997). The volume takes us from the Newfoundland seal hunt in the nineteenth century to Quebec nuisance law, and to more recent controversies involving restrictive covenants (*Galbraith v. Madawaska Club*), pollution (*KVP*), picketing (the Toronto Eaton Centre cases), economic regulation (*Manitoba Fisheries*), the theft of information (*R. v. Stewart*), and land use regulation (*CPR v. Vancouver*).

**2. *Hunger, Horses, and Government Men: Criminal Law on the Aboriginal Plains, 1870-1905*, by Professor Shelley Gavigan, Osgoode Hall Law School.**

Professor Gavigan examines the introduction of Canadian criminal law and criminal justice institutions in the old North West (present day Saskatchewan and Alberta) after its acquisition by Canada in 1870. Using newspapers, penitentiary records, Indian department files, and, principally, the records of stipendiary magistrates, she shows the law's impact on the aboriginal peoples of the west, as well as their use of it in coming to terms with the new political reality.

**3. *The African-Canadian Legal Odyssey: Historical Essays*, edited by Professor Barrington Walker, Department of History, Queens University.**

This collection of original and republished essays surveys the historical experience of black Canadians and the law. It includes accounts of black legal pioneers, Canadian slave law, case studies of 'private' discrimination, and criminal law cases. The

volume includes an extensive introduction by the editor which summarises our knowledge of the black experience and suggests avenues for future research.

IF YOU WISH TO RECEIVE any of the above books, please contact our offices, or visit our website – [osgoodesociety.ca](http://osgoodesociety.ca) – and order on line.

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## Book Reception

A reception was held at Osgoode Hall, Toronto, on November 15<sup>th</sup>, 2012 to launch the Society's 2012 books.

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## 2013 Publications

### ANNUAL BOOK

***Memoirs and Reflections*, by Roy McMurtry published by the University of Toronto Press.**

In addition to his most important accomplishment, the founding of the Osgoode Society, Roy McMurtry recounts and reflects on his years as a criminal defence lawyer, attorney-general of Ontario, High Commissioner to the UK, and Chief Justice of Ontario, and his involvements in many other events and causes. Along the way we are given insights into the patriation of the Constitution, the end of apartheid in South Africa, the Dubin Inquiry, and other milestones. This book is a great read, a modern legal history of Canada and Ontario, and a compelling story of a life well lived.

ALL MEMBERS RECEIVE THIS BOOK AT NO EXTRA CHARGE.

## OPTIONAL EXTRAS

**1. *Lawyers, Families, and Businesses: The Shaping of a Bay Street Law Firm, Faskens, 1863-1963*, by C. Ian Kyer, Lawyer and Historian, published by Irwin Law.**

Ian Kyer has combined his historical and legal expertise to produce a comprehensive account of the first century of Faskens. He takes us through crucial



stages in the development of not just this but many other Canadian law firms – alliances with business, the growth of two or three man partnerships into considerably larger firms, and the links between leading firms and politics. Along the way we see how law practice changed, how remuneration was divided up, how strong leaders stamped their individual personalities on the collective identity of the firm. This is a major contribution to our understanding of the seismic changes in Canadian law practice.

**2. *The Massey Murder: A Maid, Her Master and the Trial that Shocked a Nation*, by Charlotte Gray, Independent Historian, published by Harper Collins.**

In 1915 Carrie Davies, an 18-year old servant girl in the home of Charles (Bert) Massey, scion of the famous Massey family, shot and killed her employer as he entered his house after work. Remarkably, she was acquitted, and award winning popular historian Charlotte Gray explains how this happened. Vividly recreating the war time atmosphere, a press war, and conflicts over crime and gender, she highlights the role played by the defence lawyer who exploited the “unwritten law” of an honour killing in a rare Canadian case of jury nullification.

**3. *Essays in the History of Canadian Law – Volume XI: The Canadas*, edited by G. Blaine Baker, Emeritus Professor Law, McGill University, and Donald Fyson, Professor of History, Laval University. Published by the University of Toronto Press.**

This latest volume in the Essays in the History of Canadian Law series, with which we launched our publishing programme in 1981, is the first devoted to central Canada - what is now Ontario and Quebec before Confederation. Anchored by a comprehensive introduction exploring the main themes of the legal history of the region, a group of distinguished historians from have contributed 11 substantive essays (three in French), on subjects as varied as women in court, grand juries, western law and aboriginal peoples, gun use and control, Quebec

legal literature, married women’s property, and imprisonment for debt.

IF YOU WISH TO RECEIVE any of the optional extras, please indicate so on the attached form, and you will be billed when it appears.

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*Books Previously Published*

- 2012 **Arming and Disarming: A History of Gun Control in Canada**, R. Blake Brown
- Property on Trial: Canadian Cases in Context**, edited by Eric Tucker, Bruce Ziff and James Muir
- Hunger, Horses, and Government Men: Criminal Law on the Aboriginal Plains, 1870-1905**, Shelley Gavigan
- The African-Canadian Legal Odyssey: Historical Essays**, edited by Barrington Walker
- 2011 **The Lazier Murder: Prince Edward County, 1884**, Robert J. Sharpe
- Lawyers and Legal Culture in British North America: Beamish Murdoch of Halifax**, Philip Girard
- Dewigged, Bothered and Bewildered: British Colonial Judges on Trial**, John McLaren
- Westward Bound: Sex, Violence, the Law, and the Making of a Settler Society**, Lesley Erickson
- 2010 **Work on Trial: Canadian Labour Law Struggles**, edited by Judy Fudge and Eric Tucker
- A History of the British Columbia Court of Appeal**, Christopher Moore
- Viscount Haldane: Wicked Stepfather of the Canadian Constitution**, Frederick Vaughan
- Race on Trial: Black Defendants in Ontario's Criminal Courts, 1850-1950**, Barrington Walker
- 2009 **Canadian Maverick: The Life and Times of Ivan C. Rand**, William Kaplan
- A Trying Question: The Jury in Nineteenth Century Canada**, R. Blake Brown
- Canadian State Trials, Vol. III, Political Trials and Security Measures, 1840-1914**, edited by Barry Wright & Susan Binnie
- The Last Day, the Last Hour: The Currie Libel Trial**, Robert J. Sharpe (*2nd edition- originally published in 1988*)
- 2008 **Carnal Crimes: Sexual Assault Law in Canada, 1900-1975**, Constance Backhouse
- Essays in the History of Canadian Law, Vol. X: A Tribute to Peter N. Oliver**, edited by Jim Phillips, R. Roy McMurtry and John Saywell

- The Law of the Land: The Advent of the Torrens System in Canada**, Greg Taylor
- The Grand Experiment: Law and Legal Culture in British Settler Societies**, edited by Hamar Foster, Benjamin Berger, A.R. Buck
- 2007 **The Persons Case: The Origins and Legacy of the Fight for Legal Personhood**, Robert J. Sharpe and Patricia McMahon
- Misconceptions: Unmarried Motherhood and the Children of Unmarried Parents Act**, Lori Chambers
- The Alberta Supreme Court at 100: History & Authority**, edited by Jonathan Swainger
- My Life in Crime and Other Academic Adventures**, Martin Friedland
- 2006 **Magistrates, Police & People: Everyday Criminal Justice in Quebec and Lower Canada, 1764-1837** Donald Fyson
- The Court of Queen's Bench of Manitoba 1870-1950: A Biographical History**, Dale Brawn
- R.C.B. Risk, A History of Canadian Legal Thought: Collected Essays**, edited and introduced by G.Blaine Baker and Jim Phillips
- 2005 **Bora Laskin: Bringing Law to Life**, Philip Girard
- In Search of Justice: An Autobiography**, Fred Kaufman
- Essays in the History of Canadian Law, Vol. IX, Two Islands: Newfoundland & PEI**, edited by Christopher English
- 2004 **Osgoode Hall: An Illustrated History**, John Honsberger
- Aggressive in Pursuit: The Life of Justice Emmett Hall**, Frederick Vaughan
- The Heiress vs. The Establishment: Mrs. Campbell's Campaign for Legal Justice**, Constance Backhouse and Nancy Backhouse
- The Supreme Court of Nova Scotia, 1754-2004: From Imperial Bastion to Provincial Oracle**, edited by Philip Girard, Jim Phillips & Barry Cahill
- 2003 **Brian Dickson: A Judge's Journey**, Robert Sharpe and Kent Roach
- The Conventional Man: The Diaries of Ontario Chief Justice Robert A Harrison, 1856-1878**, edited with an introduction by Peter Oliver
- John J. Robinette, Peerless Mentor: An Appreciation**, George D. Finlayson
- Rule of the Admirals: Law, Custom, and Naval Government in Newfoundland, 1699-1832**, Jerry Bannister
- 2002 **The Law Makers: Judicial Power and the Shaping of Canadian Federalism**, John T. Saywell
- Colonial Justice: Justice, Morality and Crime in the Niagara District, 1791-1849**, David Murray
- Canadian State Trials, Volume Two: Rebellion and Invasion in the Canadas, 1837-8**, edited by F. Murray Greenwood and Barry Wright
- Courted and Abandoned: Seduction in Canadian Law**, Patrick Brode
- 2001 **Judging Bertha Wilson: Law as Large as Life**, Ellen Anderson
- Labour Before the Law: Collective Action in Canada, 1900-1945**, Judy Fudge and Eric Tucker
- Renegade Lawyer: The Life of J.L. Cohen**, Laurel Sefton MacDowell
- 2000 **'The Thousandth Man': A Biography of James McGregor Stewart**, Barry Cahill
- The Spinster and the Prophet: Florence Deeks, H.G. Wells, and the Mystery of the Purloined Past**, A.B. McKillop
- Uncertain Justice: Canadian Women and Capital Punishment**, Beverley Boissery and F. Murray Greenwood
- Unforeseen Legacies: Reuben Wells Leonard and the Leonard Foundation Trust**, Bruce Ziff.
- 1999 **Colour-Coded: A Legal History of Racism in Canada, 1900-50**, Constance Backhouse
- Essays in the History of Canadian Law, Vol. VIII, In Honour of R.C.B. Risk**, edited by G. Blaine Baker and Jim Phillips
- Chief Justice W.R. Jaccett: By the Law of the Land**, Richard Pound
- Fulfilment: Memoirs of a Criminal Court Judge**, David Vanek
- 1998 **White Man's Law: Native People in Nineteenth-Century Canadian Jurisprudence**, Sidney Harring
- 'Terror to Evil-Doers': Prisons and Punishments in Nineteenth-Century Ontario**, Peter Oliver
- 1997 **'Race', Rights and the Law in the Supreme Court of Canada: Historical Case Studies**, James W. St.G. Walker
- Married Women and Property Law in Victorian Ontario**, Lori Chambers
- Casual Slaughters and Accidental Judgments: Canadian War Crimes and Prosecutions, 1944-48**, Patrick Brode
- The Federal Court of Canada: A History, 1875-1992**, Ian Bushnell

- 1996 **Essays in the History of Canadian Law, Vol. VII, Inside the Law: Canadian Law Firms in Historical Perspective**, edited by Carol Wilton  
**Bad Judgment: The Case of Mr. Justice Leo Landreville**, William Kaplan  
**Canadian State Trials, Vol. I, Law, Politics and Security Measures 1608-1837**, edited by F. Murray Greenwood and Barry Wright
- 1995 **Just Lawyers: Seven Portraits**, David R. Williams  
**Northern Justice: The Memoirs of Mr. Justice William G. Morrow**, edited by W.H. Morrow  
**Essays in the History of Canadian Law, Vol. VI, British Columbia and the Yukon**, edited by Hamar Foster and John McLaren  
**A Deep Sense of Wrong: The Treason, Trials, and Transportation to New South Wales of Lower Canadian Rebels After the 1838 Rebellion**, Beverley Boissery
- 1994 **A Passion for Justice: The Legacy of James Chalmers McRuer**, Patrick Boyer  
**Essays in the History of Canadian Law, Vol. V., Crime and Criminal Justice**, edited by Jim Phillips, Tina Loo & Susan Lewthwaite  
**The Life and Times of Arthur Maloney, The Last of the Tribunes**, Charles Pullen (*out of print*)  
**The Politics of Codification: The Lower Canadian Civil Code of 1866**, Brian Young
- 1993 **Legacies of Fear: Law and Politics in Quebec in the Era of the French Revolution**, F. Murray Greenwood  
**Policing Canada's Century: A History of the Canadian Association of Chiefs of Police**, Greg Marquis
- 1992 **Speedy Justice: The Tragic Last Voyage of His Majesty's Vessel Speedy**, Brendan O'Brien  
**Provincial Justice: Upper Canadian Legal Portraits from the Dictionary of Canadian Biography**, edited by Robert Fraser
- 1991 **Petticoats and Prejudice: Women and Law in Nineteenth-Century Canada**, Constance Backhouse
- 1990 **Essays in the History of Canadian Law, Vol. III, Nova Scotia**, edited by Philip Girard and Jim Phillips (*Now available in paperback*)  
**Essays in the History of Canadian Law, Vol. IV, Beyond the Law, Lawyers and Business in Canada 1830-1930**, edited by Carol Wilton
- 1989 **The Genesis of the Canadian Criminal Code of 1892**, Desmond Brown  
**The Odyssey of John Anderson**, Patrick Brode
- 1988 **Middleton: The Beloved Judge**, John Arnup  
 See also 2009
- 1987 **The Fiercest Debate: Cecil A. Wright, the Benchers and Legal Education in Ontario, 1923-1957**, C. Ian Kyer and Jerome Bickenbach
- 1986 **Mr. Attorney: The Attorney General for Ontario in Court, Cabinet and Legislature, 1791-1899**, Paul Romney  
**The Case of Valentine Shortis: A True Story of Crime and Politics in Canada**, Martin Friedland
- 1985 **The Supreme Court of Canada: History of the Institution**, James Snell and Frederick Vaughan
- 1984 **Sir John Beverley Robinson: Bone and Sinew of the Compact**, Patrick Brode  
**Duff, A Life in the Law**, David R. Williams (*out of print*)
- 1983 **Essays in the History of Canadian Law, Vol. II**, edited by David H. Flaherty (*Now available in paperback*)
- 1982 **Cornerstones of Order: Courthouses and Town Halls of Ontario, 1784-1914**, Marion MacRae & Anthony Adamson
- 1981 **Essays in the History of Canadian Law, Vol. I**, edited by David H. Flaherty

*Please note*

You may choose any fifteen books for \$300.00 (incl. GST).  
 For individual volumes or for sets please contact The Society.

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## *Patrons and Benefactors of the Society*

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

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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; Benefactors \$1,000.00 to \$2,499.00. We also have a category "Corporate Sustaining members" which is \$500.00. For information about charitable receipts, please contact our office.

The seventeenth Annual Patrons' Dinner was held on May 16<sup>th</sup>, 2012 at Osgoode Hall in the Benchers' Dining Room. The dinner was hosted by Laurie Pawlitza, Treasurer of the Law Society of Upper Canada, and chaired by R. Roy McMurtry, President of the Society. The purpose of the dinner is to honour Society Patrons whose generosity makes possible the continuation of much of the Society's work, including the publication of optional extras. The Osgoode Society thanks the Law Society of Upper Canada for hosting and sponsoring the Patrons' Dinner.

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## *The Stuart Thom Fund*



In 1998, following receipt of two generous gifts from the estates of Stuart Thom and his wife, Lian, the Osgoode Society established the Stuart Thom Fund. In 1999 and 2000 further grants from the Thom estates totalling

\$50,000.00, brought the total contribution to \$100,000.00. This generosity, unequalled among our personal donors, will go a considerable distance to help ensure that the Osgoode Society is able to carry on its work for many years to come. Details about the current state of the Fund are presented in our Financial Statements.

The Society hopes that other possible benefactors may see fit to follow this example and to remember the Society in their estate planning. All donations and bequests will receive charitable receipts for income tax purposes.

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## *Membership*

	2012	2011
Student	74	64
Ordinary	495	580
Ind. Sustaining	157	169
Corp. Sustaining	1	1
Life	1	1
	728	815



## Individual Sustaining Members

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 Mr. David Spiro  
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 The Hon. Donna Wilson  
 Chief Justice Warren Winkler  
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 York University, Law Library

*(Several sustaining members have asked  
 to remain anonymous)*

## Awards

The Society offers or administers a number of awards.

***R. Roy McMurtry Fellowship.*** In 2012 we awarded the fifth 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 2012 winner was Dr. Patrick Connor, who graduated with his history Ph.D. from York University in 2012, and is working on a history of crime and punishment in Upper Canada.

The Osgoode Society congratulates the winner, and is delighted that the fellowship has been awarded to such a worthy researcher.

***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 winner for 2012 was Edward Cavanaugh, a graduate student at the University of Ottawa, for his article, 'A Company with Sovereignty and Subjects of Its Own? The Case of the Hudson's Bay Company, 1670-1763'; published in the ***Canadian Journal of Law and Society***, Vol. 26, 2011.

***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 Saywell Prize was not awarded in 2012, it will be awarded again in June 2013.





### **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.

### **Graduate Student Assistance Programme**

The Society continues its Graduate Student Assistance programme intended to offer some financial assistance to graduate students doing research in Canadian legal history to travel to out-of-town archives. Applications are invited.

### **Research Support Programme**

The Society assisted three individuals with research in 2012.

Colin Campbell, University of Western Ontario, for research into the career of J.L. Ilsley.

David Schorr, University of Tel Aviv, for research on the history of Canadian water law.

Rosemary Shipton, Independent editor and author, Toronto, for assistance with the Memoirs of R. Roy McMurtry.

### **Web Site**

See Editor-in-Chief's report.

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### **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 programmes are privately funded, for example by law firms, judges' associations etc., and we are pleased to discuss possible sponsorship with interested parties.

We have been privileged over the past several years to have co-sponsored oral history programmes with several bodies and organizations. We thank The Advocates' Society and The Ontario Conference of Judges.

From the programme's inception, most of the interviews have been carried out by Christine Kates. For the past few years we have also been fortunate to be able to employ the skills of Cynthia Smith. We are now using a third interviewer, Rosemary Legris. 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 between 1979 and 2012 totals 600 with approximately 90,000 pages of transcript. For a complete listing of all interviews conducted for the Osgoode Society oral history programme, please contact Marilyn MacFarlane at [mmacfarl@lsuc.on.ca](mailto:mmacfarl@lsuc.on.ca) Or consult our website where you will find a chronological and alphabetical list.

### *Terms of Access to the Osgoode Society Collection*

All tapes are transcribed and tapes and transcripts are placed in the Archives of Ontario for safekeeping. Each interviewee may close all or part of the material for a period of years and may also make the material available as he or she sees fit. The Osgoode Society retains copyright to the material. No portion of the material may be photocopied without written permission from the Osgoode Society. The material contained in the Osgoode Society Collection is intended for legal, historical, genealogical or other worthwhile research. It must be used at the Archives of Ontario. For information as to use please contact either the Osgoode Society or the Archives of Ontario at 416-327-1550.

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## Completed Interviews in 2012

### IN-DEPTH

*Mr. G. Cooligan*  
*Mr. Ronald Manes*  
*Prof. Jacob Ziegel*

### Special project

*The Hon. D. Carruthers*

### SPONSORED PROJECTS

#### Ontario Court of Justice History project

*Mr. Justice Robert Fournier*  
*Mr. Justice John Getliffe*  
*Mr. Justice Rommel Masse*  
*Madam Justice Petra Newton*  
*Mr. Justice David Wake*  
*His Worship J.H. Jackson (Justice of the Peace)*

#### The Advocates' Society

*Mr. Michael Barrack*  
*Mr. Michael Eizenga*  
*Ms. Linda Rothstein*  
*Mr. Benjamin Zarnett*

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### In Progress

### IN-DEPTH

*Mr. Raj Anand*  
*Mr. Julian Falconer*  
*Mr. Paul Haines*  
*Mr. Julian Porter*

### Markham project

*Ms. Martha Mingay*

### Treasurer's project

*Ms. Laurie Pawlitza*

### SPONSORED PROJECTS

#### Ontario Court of Justice History project

*The Hon. J. Bark*  
*The Hon. I. Hansen*  
*The Hon. S. Nosanchuk*

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## Directors and Annual Meeting

Meetings of the Board of Directors were held on January 18, May 1, and September 18. The Annual Meeting of Members of the Society took place on June 26 at Osgoode Hall.

The following were unanimously elected as Directors of the Osgoode Society:

*The Hon. Robert Armstrong, Court of Appeal for Ontario*

*The Hon. Kenneth Binks, Low, Murchison LLP*

*Dr. Susan Binnie*

*Mr. David Chernos, Torys LLP*

*Mr. J. Doug Ewart*

*Ms. Violet French, Torkin Manes LLP*

*Professor Martin Friedland, C.C., Q.C.,*

*Faculty of Law, University of Toronto*

*Professor Philip Girard, Schulich School of Law, Dalhousie University*

*Prof. William Kaplan*

*The Hon. Horace Krever*

*Mr. C. Ian Kyer, Fasken Martineau DuMoulin LLP*

*Ms. Virginia MacLean, Q.C., Barrister & Solicitor*

*Ms. Patricia McMahon, Osler, Hoskin & Harcourt LLP*

*The Hon. R. Roy McMurtry, Gowlings LLP*

*Mr. Dana Pebbles, McCarthy Tetrault*

*The Hon. Paul Perell, Superior Court of Justice*

*The Hon. Paul H. Reinhardt, Ontario Court of Justice*

*Mr. Joel Richler, Blake, Cassels & Graydon LLP*

*Mr. William Ross, WeirFoulds LLP*

*Mr. Paul Schabas, Blake, Cassels & Graydon LLP*

*The Hon. Robert Sharpe, Court of Appeal for Ontario*

*Ms. Mary Stokes, Legge & Legge*

*The Hon. Michael Tulloch, Superior Court of Justice*

(The Treasurer of The Law Society of Upper Canada, and the Attorney General for Ontario and the Editor-in-Chief of the Osgoode Society (currently Professor Jim Phillips), are directors ex officio.)

The annual meeting was addressed by Professor Blake Brown on his book, *Arming & Disarming*.

Once again, the Directors of the Society thank the Law Foundation of Ontario and the Law Society of Upper Canada for their encouragement and support and express their gratitude to the Patrons and Benefactors of the Society and to sustaining members. And we thank our solicitors, Osler, Hoskin & Harcourt LLP, for their continuing guidance and advice.

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

Osgoode Hall.

May 2013





# THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY FINANCIAL STATEMENTS

DECEMBER 31, 2012

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Statement of Changes in Net Assets	19
Statement of Cash Flows	20
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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, 2012 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 auditor considers 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.



469 King Street West, 2nd Floor Toronto, Ontario M5V 1K4	MONTE-LISI & SMITH	T 416.363.5105 F 416.363.6030
	CHARTERED ACCOUNTANTS	



### **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, 2012 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.

### **Comparative Information**

Without modifying our opinion, we draw attention to Note 1 to the financial statements which describes that The Osgoode Society for Canadian Legal History adopted Canadian Accounting Standards for Not-for-Profit Organizations on January 1, 2012, with a transition date of January 1, 2011. These standards were applied retrospectively by management to the comparative information in these financial statements, including the statement of financial position as at December 31, 2011 and January 1, 2011, and the statements operations, changes in net assets and cash flows for the year ended December 31, 2011 and related disclosures. We were not engaged to report on the restated comparative information and, as such, it is unaudited.

A handwritten signature in black ink, reading 'Monte-Lisi &amp; Smith', is located in the lower right area of the page.

Toronto, Ontario  
April 9, 2013

Chartered Accountants  
Licensed Public Accountants

# THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

## STATEMENT OF FINANCIAL POSITION AS AT DECEMBER 31, 2012

	General	Stuart Thom Fund	Stuart Thom Special Projects Fund	Peter Oliver Memorial Student Fund	John T. Saywell Prize Fund	John T. Saywell Endowment	Honourable R. Roy McMurtry Legal History Fellowship Fund	2012
	\$	\$	\$	\$	\$	\$	\$	\$
<b>ASSETS</b>								
<b>CURRENT</b>								
Cash	124,975	-	23,900	-	-	-	13,606	162,481
Investments (Notes 4 - 8)	-	100,000	105,279	5,496	7,840	25,000	470,000	713,615
Accounts receivable	38,429	-	-	-	-	-	-	38,429
Prepaid expenses	219,502	-	-	-	-	-	-	219,502
Publication inventory (Note 9)	57,825	-	-	-	-	-	-	57,825
	440,731	100,000	129,179	5,496	7,840	25,000	483,606	1,191,852
<b>CAPITAL ASSETS (Note 10)</b>	206	-	-	-	-	-	-	206
	440,937	100,000	129,179	5,496	7,840	25,000	483,606	1,192,058
<b>LIABILITIES</b>								
<b>CURRENT</b>								
Accounts payable and accrued liabilities	38,429	-	-	-	-	-	-	38,429
Deferred grant revenue	393,411	-	-	-	-	-	-	393,411
	431,840	-	-	-	-	-	-	431,840
<b>NET ASSETS</b>	9,097	100,000	129,179	5,496	7,840	25,000	483,606	760,218

APPROVED ON BEHALF OF THE MEMBERS:

  
Director

Director



See accompanying notes





**THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY**  
**STATEMENT OF FINANCIAL POSITION**  
**AS AT DECEMBER 31, 2011**

	General	Stuart Thom Fund	Stuart Thom Special Projects Fund	Peter Oliver Memorial Student Fund	John T. Saywell Prize Fund	John T. Saywell Endowment	Honourable R. Roy McMurtry Legal History Fellowship Fund	2011 Unaudited Note 1 \$	January 1, 2011 Unaudited Note 1 \$
<b>ASSETS</b>									
<b>CURRENT</b>									
Cash	174,722	-	50,205	-	-	-	-	224,927	24,563
Investments (Notes 4 - 8)	-	100,000	105,279	5,792	7,201	25,000	483,765	727,037	765,192
Accounts receivable	28,754	-	-	-	-	-	-	28,754	52,465
Prepaid expenses	29,560	-	-	-	-	-	-	29,560	5,719
Publication inventory (Note 9)	62,196	-	-	-	-	-	-	62,196	52,161
	295,232	100,000	155,484	5,792	7,201	25,000	483,765	1,072,474	900,100
<b>CAPITAL ASSETS (Note 10)</b>	312	-	-	-	-	-	-	312	490
	295,544	100,000	155,484	5,792	7,201	25,000	483,765	1,072,786	900,590
<b>LIABILITIES</b>									
<b>CURRENT</b>									
Accounts payable and accrued liabilities	39,958	-	-	-	-	-	-	39,958	38,611
Deferred grant revenue	211,294	-	-	-	-	-	-	211,294	23,426
	251,252	-	-	-	-	-	-	251,252	62,037
<b>NET ASSETS</b>	44,292	100,000	155,484	5,792	7,201	25,000	483,765	821,534	838,553

See accompanying notes

**THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY**  
**STATEMENT OF OPERATIONS**  
**FOR THE YEAR ENDED DECEMBER 31, 2012**

	General	Stuart Thom Fund	Stuart Thom Special Projects Fund	Peter Oliver Memorial Student Fund	John T. Saywell Prize Fund	John T. Saywell Endowment	Honourable R. Roy McMurtry Legal History Fellowship Fund	2012
REVENUE	\$	\$	\$	\$	\$	\$	\$	\$
The Law Foundation of Ontario	202,104	-	-	-	-	-	-	202,104
Membership fees	45,755	-	-	-	-	-	-	45,755
Book sales	26,177	-	-	-	-	-	-	26,177
Fundraising	28,000	-	-	-	-	-	-	28,000
Honourable R. Roy McMurtry Legal History Fellowship (Note 7)	-	-	-	-	-	-	6,000	6,000
Other	8,597	-	-	-	-	-	-	8,597
Provincial Judges grant	5,000	-	-	-	-	-	-	5,000
Investment income	3,536	-	-	-	539	-	-	9,576
John T. Saywell Prize (Note 8)	-	-	-	-	100	-	5,501	100
Donations	740	-	-	-	-	-	-	740
	319,909	-	-	-	639	-	11,501	332,049
<b>EXPENDITURES</b>								
<b>Society programmes</b>								
Publication (Note 9)	113,513	-	8,430	-	-	-	-	121,943
Oral history	52,126	-	-	-	-	-	-	52,126
Editorial and programme support	34,554	-	-	-	-	-	-	34,554
Research support	10,297	-	-	-	-	-	-	10,297
Membership and promotion	16,030	-	-	-	-	-	-	16,030
Honourable R. Roy McMurtry Legal History Fellowship (Note 7)	-	-	4,340	-	-	-	11,660	16,000
Receptions	5,948	-	-	-	-	-	-	5,948
Royalties	62	-	-	-	-	-	-	62
Peter Oliver Memorial Student Fund (Note 6)	-	-	-	296	-	-	-	296
Special projects	-	-	3,317	-	-	-	-	3,317
	232,530	-	16,087	296	-	-	11,660	260,573
<b>Administration</b>								
Administrative services	56,550	-	-	-	-	-	-	56,550
Office	24,478	-	-	-	-	-	-	24,478
Professional fees	25,598	-	2,000	-	-	-	-	27,598
Website	6,189	-	8,218	-	-	-	-	14,407
Supplies	5,784	-	-	-	-	-	-	5,784
Insurance	3,338	-	-	-	-	-	-	3,338
Amortization	106	-	-	-	-	-	-	106
Bad debt	531	-	-	-	-	-	-	531
	122,574	-	10,218	-	-	-	-	132,792
Total expenditures	355,104	-	26,305	296	-	-	11,660	393,365
<b>EXCESS (DEFICIENCY) OF REVENUE OVER EXPENDITURES</b>	(35,195)	-	(26,305)	(296)	639	-	(159)	(61,316)

See accompanying notes





THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY  
STATEMENT OF OPERATIONS  
FOR THE YEAR ENDED DECEMBER 31, 2011

	General	Stuart Thom Fund	Stuart Thom Special Projects Fund	Peter Oliver Memorial Student Fund	John T. Saywell Prize Fund	John T. Saywell Endowment	Honourable R. Roy McMurtry Legal History Fellowship Fund	2011 Unaudited Note 1 \$
<b>REVENUE</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
The Law Foundation of Ontario	203,605	-	-	-	-	-	-	203,605
Membership fees	53,452	-	-	-	-	-	-	53,452
Book sales	33,612	-	-	-	-	-	-	33,612
Fundraising	33,000	-	-	-	-	-	-	33,000
Honourable R. Roy McMurtry Legal History Fellowship (Note 7)	-	-	-	-	-	-	6,000	6,000
Other	8,943	-	-	-	-	-	-	8,943
Provincial Judges grant	5,000	-	-	-	-	-	-	5,000
Investment income	3,630	-	-	-	575	-	2,805	7,010
John T. Saywell Fund (Note 8)	-	-	-	-	3,392	-	-	3,392
Donations	600	-	-	-	-	-	-	600
	341,842	-	-	-	3,967	-	8,805	354,614
<b>EXPENDITURES</b>								
<b>Society programmes</b>								
Publication (Note 9)	111,257	-	-	-	-	-	-	111,257
Oral history	57,229	-	-	-	-	-	-	57,229
Editorial and programme support	25,388	-	-	-	-	-	-	25,388
Research support	11,968	-	-	-	-	-	-	11,968
Membership and promotion	17,846	-	-	-	-	-	-	17,846
Honourable R. Roy McMurtry Legal History Fellowship (Note 7)	-	-	-	-	-	-	16,000	16,000
Receptions	10,038	-	-	-	-	-	-	10,038
John T. Saywell prize (Note 8)	-	-	-	-	2,000	-	-	2,000
Royalties	551	-	-	-	-	-	-	551
Peter Oliver Memorial Student Fund prize (Note 6)	-	-	-	311	-	-	-	311
	234,277	-	-	311	2,000	-	16,000	252,588
<b>Administration</b>								
Administrative services	53,256	-	-	-	-	-	-	53,256
Office	27,930	-	-	-	-	-	-	27,930
Professional fees	23,345	-	-	-	-	-	-	23,345
Website	7,731	-	-	-	-	-	-	7,731
Supplies	3,524	-	-	-	-	-	-	3,524
Insurance	3,081	-	-	-	-	-	-	3,081
Amortization	178	-	-	-	-	-	-	178
Bad debt	-	-	-	-	-	-	-	-
	119,045	-	-	-	-	-	-	119,045
Total expenditures	353,322	-	-	311	2,000	-	16,000	371,633
<b>EXCESS (DEFICIENCY) OF REVENUE OVER EXPENDITURES</b>	<b>(11,480)</b>	<b>-</b>	<b>-</b>	<b>(311)</b>	<b>1,967</b>	<b>-</b>	<b>(7,195)</b>	<b>(17,019)</b>

See accompanying notes

**THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY**  
**STATEMENT OF CHANGES IN NET ASSETS**  
**FOR THE YEAR ENDED DECEMBER 31, 2012**

	General	Stuart Thom Fund	Stuart Thom Special Projects Fund	Peter Oliver Memorial Student Fund	John T. Saywell Prize Fund	John T. Saywell Endowment	Honourable R. Roy McMurtry Legal History Fellowship Fund	2011 Unaudited Note 1 \$
<b>NET ASSETS (Note 1)</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
As previously reported	55,772	100,000	155,484	6,000		25,000		342,256
Adjustment	-	-	-	103	5,234	-	490,960	496,297
Excess (deficiency) of revenue over expenditures for the year	(11,480)	-	-	(311)	1,967	-	(7,195)	(17,019)
Beginning of year, restated	44,292	100,000	155,484	5,792	7,201	25,000	483,765	821,534
Excess (deficiency) of revenue	(35,195)	-	(26,305)	(296)	639	-	(159)	(61,316)
End of year	9,097	100,000	129,179	5,496	7,840	25,000	483,606	760,218
								821,534

See accompanying notes



# THE OSGOOD SOCIETY FOR CANADIAN LEGAL HISTORY

## STATEMENT OF CASH FLOWS

FOR THE YEAR ENDED DECEMBER 31, 2012

	2012 \$	2011 \$
<b>CASH, beginning of the year</b>	<b>951,964</b>	<b>789,755</b>
<b>CASH FLOW FROM OPERATING ACTIVITIES</b>		
Grants	382,241	420,925
Membership and book sales	72,991	82,285
Fundraising and donations	28,740	33,600
Investment income	3,536	3,630
John T. Saywell Prize	639	1,967
Special projects	(1,442)	-
Honourable R. Roy McMurtry Legal History Fellowship	(4,499)	(7,195)
Membership	(21,187)	(27,884)
Editorial, programme and research support	(45,215)	(47,175)
Oral history	(47,312)	(44,248)
Administrative	(131,275)	(115,031)
Publication	(313,085)	(138,665)
	<b>(75,868)</b>	<b>162,209</b>
<b>CASH, end of the year</b>	<b>876,096</b>	<b>951,964</b>
<b>CASH CONSISTS OF:</b>		
Cash	162,481	224,927
Investments, other	713,615	727,037
	<b>876,096</b>	<b>951,964</b>

*See accompanying notes*

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# THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

## NOTES TO FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2012

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### 1. ACCOUNTING CHANGES

#### (a) TRANSITION TO ACCOUNTING STANDARDS FOR NOT-FOR-PROFIT ORGANIZATIONS

Effective January 1, 2012, The Osgoode Society for Canadian Legal History (the "Society") adopted Canadian Accounting Standards for Not-for-Profit Organizations (ASNPO), Part III of the CICA Handbook. This framework is in accordance with Canadian Generally Accepted Accounting Principles (GAAP). These are the first financial statements prepared in accordance with this framework, which has been applied retrospectively. The accounting policies set out in the significant accounting policies note were applied in preparing the financial statements for the year ended December 31, 2012, the comparative information presented in the financial statements for the year ended December 31, 2011 and in the preparation of the opening statement of financial position at January 1, 2011, which was the date of transition.

The Society issued financial statements for the year ended December 31, 2011 using GAAP prescribe by Part V of the CICA Handbook. The adoption of ASNPO had no impact on previously reported assets, liabilities and net assets, and accordingly, no adjustments have been recorded in the comparative statement of financial position, statement of operations, statement of changes in net assets and the statement of cash flows.

#### (b) ADOPTION OF FUND ACCOUNTING

In conjunction with the transition to ASNPO, the Society adopted fund accounting. The decision to change from deferred contribution accounting to restricted fund accounting was made to better reflect the activities of the organization.

For the year ended December 31, 2012, excess (deficiency) of revenue over expenditures reduced from a deficiency of \$61,796 to a deficiency of \$61,316, which relates to the excess (deficiency) of revenue over expenditures for the John T. Saywell Prize and the McMurtry Fellowship.

For the year ended December 31, 2011, excess (deficiency) of revenue over expenditures reduced from a deficiency of \$11,688 to a deficiency of \$17,019, which relates to the excess (deficiency) of revenue over expenditures for the John T. Saywell Prize, The Peter Oliver Memorial Prize and the McMurtry Fellowship.

### 2. 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, 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 under the Act, the Society must meet certain requirements within the Act. In the opinion of management, these requirements have been met.



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# THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

## NOTES TO FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2012

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### 3. 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 Operating Fund.

(b) Investments

Investments consist of Guaranteed Investment Certificates. Investments are recorded at fair value, which is the amount invested. Interest is recognized as earned.

(c) 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

(d) 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.

(e) Financial instruments

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

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

(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 expensed.

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

Fundraising is recognized as revenue in the period to which it relates.

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# THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

## NOTES TO FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2012

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### 3. SIGNIFICANT ACCOUNTING POLICIES, continued

(f) Revenue recognition, continued

Donations are recognized as revenue when received. For donations with specific restrictions on use, revenue is recognized when the related expenses are incurred.

Investment income is recognized as revenue in period in which it is earned. Investment income earned on deferred contributions is deferred and recognized as expenses are incurred, unless otherwise permitted under the terms of the restriction.

(f) 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 is 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, no amount is recognized in the financial statements.

### 4. INVESTMENTS

Investments are carried at fair value on the date of purchase. Interest is accrued and recognized as investment income up to the balance sheet date. The investments are comprised of a Guaranteed Investment Certificates, maturing at dates ranging from January 18, 2013 to August 16, 2014 and earning a rates from 0.95% to 1.5%.

### 5. 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 from a portion of net assets restricted by the Board of Directors. \$100,000 was contributed to the Society with the stipulation that the donations be maintained for a period of not less than 10 years, at which time the funds would be available for general use. These contributions are now available for use. For ease and efficiency of managing the investments, these funds have been commingled with the Society's investments.

The Society is entitled to use the investment income from the Stuart Thom Fund for its operations. At their discretion, the Board of Directors may allocate investment income and any other amounts, to the Stuart Thom Fund. For fiscal 2012 no investment income (2011 - \$nil) was allocated to the Stuart Thom Fund.

The Stuart Thom Special Projects Fund was established by the Board of Directors in 2009 and represents an allocation of the 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. For ease and efficiency of managing the investments, these funds have been commingled with the Society's investments.

The Society is entitled to use the investment income from the Stuart Thom Special Projects Fund for its operations. At their discretion, the Board of Directors may allocate investment income and any other amounts to the Fund. For fiscal 2012 no investment income (2011 - \$Nil) was allocated to the Stuart Thom Special Projects Fund.

During the year the Board of Directors determined that \$26,305 of expenditures meet the criteria to be charged to The Stuart Thom Special Projects Fund.



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# THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

## NOTES TO FINANCIAL STATEMENTS (Unaudited)

FOR THE YEAR ENDED DECEMBER 31, 2012

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### 6. PETER OLIVER MEMORIAL STUDENT FUND

The Peter Oliver Memorial Student Fund was created by the Society in 2006 and represents funds restricted for use by the Society. The purpose of the fund is to provide an annual award for published work by a student in the area of Canadian legal history. The annual award includes a copy of the current year's 'membership book', a copy of the Peter Oliver Essay volume and any five books from the back publications list.

The ending fund balance consists of \$5,496 of internally restricted net assets. At year end, the assets of the fund are fully invested in a Guaranteed Investment Certificate (*Note 4*).

### 7. HONOURABLE R. ROY MCMURTRY LEGAL HISTORY FELLOWSHIP FUND

The Honourable R. Roy McMurtry Legal History Fellowship Fund (the "McMurtry Fellowship") was established by the Society 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 represents restricted contributions to the fellowship.

The Law Society Foundation has agreed to provide a \$6,000 annual contribution to the McMurtry Fellowship, ending in 2015.

In 2012, one fellowship of \$16,000 was awarded; with \$8,000 paid in 2012 and \$8,000 to be paid in 2013. Total fellowship(s) of \$16,000 are expected to be awarded in 2013, with \$8,000 to be paid in 2013 and the balance the following year.

Under an Investment Services Agreement between Osgoode and the Law Society of Upper Canada (LSUC), LSUC manages the investments related to the McMurtry Fellowship. As at year end the investments of the fellowship are comprised of:

	2012	2011
	\$	\$
Cash	13,606	33,765
Interest receivable	5,000	-
Investments	465,000	450,000
	<u>483,606</u>	<u>483,765</u>

At December 31, 2012, the investments are comprised of a Guaranteed Investment Certificate, maturing September 5, 2013 and earning interest at a rate of 1.3%.

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# THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

## NOTES TO FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2012

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### 8. 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 best new book in Canadian legal history which 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 restricted contributions.

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 externally restricted to fund the John T. Saywell Prize for Canadian Constitutional Legal History and is included in restricted contributions.

The funds for the Saywell Prize are invested in Guaranteed Investment Certificates, maturing August 16, 2013 and August 16, 2014, earning rates between .95% and 1.5%.

### 9. PUBLICATION INVENTORY

Included in publication programme costs is a write down of \$37,700 (2011 - \$31,600) required to reflect inventory at the lower of cost and net realizable value.

### 10. CAPITAL ASSETS

	Cost	Accumulated Amortization	Net 2012	Net 2011
	\$	\$	\$	\$
Office equipment	2,344	2,235	109	137
Computer equipment	1,880	1,783	97	175
	4,224	4,018	206	312

### 11. RELATED PARTY TRANSACTIONS

During the year the Society paid \$10,000 as research support for a Director of the Society. The transaction was recorded at the exchange value.

### 12. COMMITMENTS

The Society fulfills its mandate in part through providing research grants. As at December 31, 2012, the Society has outstanding commitments totaling \$6,155 (2011 - \$450) to be expended on research and related support.

A contract has been signed for the purchase of future publications in the amount of \$2,250. The balance of contracts for the 2013 publications are still in negotiations.



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# THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

## NOTES TO FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2012

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### 12. COMMITMENTS, continued

The Society is party to an agreement to produce a publication planned for 2014. The agreement requires the following minimum amounts to be paid. Funding for the project has been secured through a grant from the Law Foundation of Ontario:

	\$
2013	100,000
2014	50,000

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

### 13. 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. Receivable balances are monitored on a regular basis to minimize the 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.

### 14. COMPARATIVE FIGURES

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

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*The Osgoode Society Officers*

President

*The Hon. R. Roy McMurtry*

Editor-in-Chief

*Jim Phillips*

Associate Editor

*Philip Girard*

Treasurer

*C. Ian Kyer*

Secretary & Administrator

*Marilyn MacFarlane*

Counsel

*Osler, Hoskin & Harcourt LLP*

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*Board of Directors*

*See page 11*



## Patrons of the Society

*Blake, Cassels & Graydon LLP*

*Gowlings*

*The Law Foundation of Ontario*

*Lax O'Sullivan Scott Lisus LLP*

*McCarthy Tétrault LLP*

*Osler, Hoskin & Harcourt LLP*

*Palaise Roland Rosenberg Rothstein LLP*

*Torkin, Manes LLP*

*Torys LLP*

*WeirFoulds LLP*



