

The Osgoode Society
For Canadian Legal History



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ANNUAL REPORT 2017

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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 AND SUSTAINING MEMBERS.



The Osgoode Society

For Canadian Legal History

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Editor-In-Chief's Report

The Osgoode Society had another very good year in 2017. We published two books, bringing our total to 105 since the publishing programme began in 1981. Those books demonstrate, yet again, the richness and variety of both our nation's legal history and our publishing programme. Our members' book was a wonderfully rich and detailed biography of Claire L'Heureux-Dubé, the second woman, and the first from Quebec, to sit on the Supreme Court of Canada. Our other book, *An Exceptional Law*, by a very promising young historian Dennis Molinaro, garnered lots of press attention because it addresses always difficult questions of the balance between security and the rule of law.

Our oral history programme continues to benefit from the substantial reorganisation and modernisation carried out by our Oral History Co-Ordinator Patricia McMahon. The entire collection is now on our website, and machine searchable, and the interviews will soon be available to be consulted on line. We have already seen an increase in the number of people who know about the programme and who wish to use it for research, especially among students.

The Society is on solid ground financially, and we anticipate our membership growing in 2018. We are encouraged by the number of young lawyers and students who are taking up memberships, and

delighted that we are getting more and more younger people on our Board every year.

In 2017 we inaugurated some new activities through which we hope to provide more to members. We launched a newsletter, held a legal history evening for younger members, and planned a new series of 'legal history evenings'. Those evenings have begun as I write this message, and more will follow in the rest of 2018.

Our new Administrator, Amanda Campbell, started in January 2017, and has in the year since settled in extremely well. She has learned her way around the organisation, and anticipates everything being a bit more relaxed as she goes through things for a second time.

As always 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 Bill Ross, 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

2017 Publications

In 2017 the Society published two books.

The members book was *Claire L'Heureux-Dubé: 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 book's 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 optional extra for 2017 was *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?

Book Reception

A reception was held at Osgoode Hall, Toronto, on November 2, 2017 to launch the Society's 2017 books.

2018 Publications

In 2018 we will again be publishing two books.

Our members book will be *A History of Law in Canada: Volume 1, Beginnings to 1866*, by Philip Girard, Professor of Law, Osgoode Hall Law School, Jim Phillips, Professor of Law, University of Toronto, and Blake Brown, Professor of History, St. Mary's University. Published by the University of Toronto Press. This book, the first of 2 volumes, presents the history of law in what is now Canada, from the first European contacts with northern North America in the very early sixteenth century to immediately before Confederation. Divided into four parts, the book first looks at the roots of Canada's three legal traditions, Indigenous, French and English, in North America, France and England.





Part 2 examines the period down to 1701 and the signing of the treaty known as the Great Peace of Montreal in 1701, during which New France was established. Part 3 deals with the eighteenth century – Anglo-French conflict, New France until 1760, the establishment and growth of English colonies of settlement, and, throughout, relations with indigenous peoples and governance of indigenous nations. Part 4 is devoted to the British North American period, after 1815. Indigenous people are central to the narrative throughout, including after 1815 when their influence waned as their land base was largely lost in central and eastern Canada. Included in Part 4 are the Red River settlement and early British Columbia. Although the background to this history are the well-known major political, military, social and economic transformations of this part of North America, the book is principally a legal history set against and integrated with that background. Court systems, the judiciary, the legal professions, are dealt with in every period and for each of the legal traditions, and the areas of law covered include criminal, family, constitutional, commercial, land, succession, and civil and criminal procedure. This volume combines the remarkable flowering of scholarship on Canadian legal history, so much of it fostered and published by the Osgoode Society over 35 years, and much new research.

Our optional extra for 2018 will be Suzanne Chiodo, *The Class Actions Controversy: The Origins and Development of the Ontario Class Proceedings Act*, published by Irwin Law. *The Class Proceedings Act* of Ontario, passed in 1993, represented a major innovation in civil procedure, making it possible to join together thousands of plaintiffs in a single action. Suzanne Chiodo's new book is the first to analyse comprehensively the history of the origins of this highly significant legislation. It looks in turn at the origins of representative proceedings in equity, the rise of modern-day class actions around the world (particularly in the US and Québec), and at the debates about, and the passage of, the Ontario legislation. The book presents an in-depth analysis of the political and social influences that shaped this momentous legal change. It explains the importance of the Ontario Law Reform Commission's 1982 *Report on Class Actions*, and how the Attorney-General's Advisory Committee Report in 1990 pulled together many divergent interests where previous attempts had failed. With the 25th anniversary of the Act upon us, and the Law Commission of Ontario currently reviewing it, this is a most timely contribution to a current debate as well as instructive historical analysis.

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

A full list of all our previously published books is on our website, www.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.

Constance Backhouse

Blake, Cassels & Graydon, LLP

Chernos, Flaherty, Svorkin, LLP

The Law Foundation of Ontario

McCarthy Tétrault 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 twentieth Annual Patrons’ Dinner was held on May 31, 2017 at Osgoode Hall in the Benchers’ Dining Room. The dinner was hosted by Paul Schabas, Treasurer of the Law Society of Ontario, 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 Ontario for hosting and sponsoring the Patrons’ Dinner.

Membership

	2016	2017
Student	60	47
Individual	390	285
Individual Sustaining	164	104
McMurtry Circle	2	4
	616	440

McMurtry Circle Members

Professor Jim Phillips

The Hon. Robert Sharpe

Ms Maureen Simpson

The Hon. Edward Saunders

Individual Sustaining Members

Dr. Philip Anisman

Mr. Timothy Baikie

The Hon. Robyn Ryan Bell

Mr. Stephen Bellissimo

Dr. Susan Binnie

Mr. Brian Blumenthal

Mr. Stephen Bowman

Mr. Wayne Braid

The Hon. Russell Brown

Prof. Lyndsay Campbell

The Hon. Tom Carey

Mr. Steven Chaplin

Ms Shantona Chaudhury

Mr. Earl Cherniak

Mr. John H.C. Clarry

The Hon. David Corbett

Mr. Jeff Cowan

The Hon. Robert Crawford

Mr. Richard Crouch

Mr. Rhys Davies

Sir Graham Day, Q.C.

The Hon. Antonio Di Zio

Ms. Linda Silver Dranoff

Mr. J. Douglas Ewart

Mr. Michael Fenrick

Ms. Carly Fidler

Mr. David Flaherty

Prof. Martin Friedland

Prof. Philip Girard

Mr. Duncan W. Glaholt

The Hon. Bruce A. Glass

The Hon. Stephen Goudge

Mr. Brian Gover

Mr. Brian H. Greenspan

Mr. Gerald Gummersell

Mr. Shawn Haggerty





Mr. David Harris
Her Worship Mary Ross Hendriks
The Hon. Elizabeth Heneghan
The Hon. Nicole Duval Hesler
Prof. Peter Hogg
Ms. Trisha Jackson
Mr. Mahmud Jamal
The Hon. Nancy Kastner
Mr. Wayne Kerr
Ms Patricia Kennedy
The Hon. Fran Kiteley
Ms. Elizabeth Koester
The Hon. Horace Krever
The Hon. Susan Lang
Mr. Robert Lapper
Mr. John Laskin
Ms. Rosemary Legris
The Hon. Patrick LeSage
Mr. Andrew MacDonald
Ms. M. Virginia MacLean
Mr. Dan Malamet
Mr. Athar Malik
The Hon. Lauren Marshall
The Hon. Wendy Matheson
Ms. Patricia McMahan
The Hon. Janet McMurtry
The Hon. Roy McMurtry
Mr. Willson McTavish
Mr. W.A. Derry Millar
Mr. David Morin
The Hon. Richard J. Mosley
Prof. James Muir
The Hon. Gregory Mulligan
The Hon. Petra Newton
Mr. David Outerbridge
Ms. Mary Paterson
Mr. Dana Peebles
Mr. J.S.A. Pengelly
Mr. Wilfrid E.D. Peters
Mr. Richard Potter
Mr. Richard Pound
Mr. Sandev Purewal
Mr. Robert Raizenne
The Hon. Timothy Ray
The Hon. Paul Reinhardt
Mr. J. Gregory Richards
Mr. William Ross

Mr. Paul Schabas
Mr. Martin Sclisizzi
The Hon. David G. Scott
Mr. Gordon Sedgwick
The Hon. Robert Sharpe
Mr. Wayne Shaw
Mr. Donald Short
Mr. Alex Smith
Chief Justice George Strathy
Mr. Gerald E. Taylor
Mr. Paul Taylor
Mr. David S. Thompson
Prof. Eric Tucker
The Hon. Michael Tulloch
Mr. Ed Upenieks
Prof. Barrington Walker
Prof. Janet Walker
Mr. Grant Wedge
Mr. Brian Wheatley
Mr. Robert Yalden
York University Law Library

Awards

The Society offers or administers a number of awards.

R. ROY MCMURTRY FELLOWSHIP

In 2017 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 2017 winner was Dennis Molinaro, a recent doctoral graduate in history from the University of Toronto, for work on the history of state surveillance in Canada. 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 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 2017 winner was Jason Hall of St. Thomas University for his article "High Freshets and Low-Lying Farms: Property Law and St. John River Flooding in Colonial New Brunswick," published in the *Dalhousie Law Journal*, Vol 39, 2016.

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 scheduled to be awarded in 2017, but the selection committee recommended not doing so, and waiting until 2018.

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 ordinarily 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 2017 four grants were made under this programme. They are: Dr. Sarah Hamill, The City Law School, University of London, for work on the history of prohibition in Alberta; Dr. Steve Hewitt, a Canadian teaching in the Department of History and the American and Canadian Studies Research Centre, University of Birmingham, UK, for work on the RCMP; Dr. Suzanne Lenon, Department of Women & Gender Studies, University of Lethbridge, for work on the history of succession law and practice in Alberta, and Julia Lewandoski, a Canadian PhD student at University of California, Berkeley, for her work on Abenaki land-holding in Lower Canada.



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.

Although most 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 more than 600, with 100,000 or so pages of transcript. For a complete, searchable listing of all interviews conducted for the Osgoode Society oral history programme, consult our website – www.osgoodesociety.ca. In 2017 a good deal of time was devoted to reorganising our collection and streamlining our administrative processes.

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

In 2017, five interviews were completed.
The Interviewees were:

Joan Hodgson
Jean-Marc Labrosse
Katherine Swinton
Paul Taylor
Thomas Zuber

In 2017, eight interviews were in progress.
The Interviewees are:

Philip Epstein
Donna Hackett
Frank Iacobucci
Sidney Linden
Janet Minor
Laurie Pawlitza
John Rosen
George Thomson



Directors and Annual Meeting

Meetings of the Board of Directors were held on January 24, April 13, June 18 and September 25, 2017.

The Annual Meeting of Members was held on June 19, 2017 at Osgoode Hall. At the annual meeting the following were unanimously elected as Directors of the Osgoode Society:

Dr. Susan Binnie
Shantona Chaudhury, Pape Barristers
David Chernos, Chernos Flaherty & Svonkin LLP
Linda Silver Dranoff, Dranoff and Huddart
Michael Fenrick, Paliare Roland Rosenberg
Rothstein LLP
Timothy Hill, Assistant Crown Attorney
Ian Hull, Hull & Hull
Trisha Jackson, Torys LLP
Mahmud Jamal, Osler Hoskin Harcourt
Ms. Virginia MacLean, Q.C., Barrister & Solicitor
Rachel McMillan, Gowling WLG
The Hon. R. Roy McMurtry, Hull & Hull LLP
Waleed Malik, Osler Hoskin Harcourt
Dana Peebles, McCarthy Tetrault LLP
The Hon. Paul H. Reinhardt,
Ontario Court of Justice
William Ross, WeirFoulds LLP
Paul Schabas, Blake, Cassels & Graydon LLP
The Hon. Robert Sharpe,
Court of Appeal for Ontario
Jonathan Silver, Torys LLP
Alex Smith, Henein Hutchinson LLP
Dean Lorne Sossin, Osgoode Hall Law School
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 Constance Backhouse on her book, *Claire L'Heureux-Dubé: A Life*, the members' book for 2017.

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

William Ross

ADMINISTRATOR

Amanda Campbell

The Board operates with the assistance of various committees. The editor-in-chief is a member of all committees. Members interested in joining a committee should contact the chair of the committee. The committees are:

MEMBERSHIP

Chair Mahmud Jamal, Bevan Brooksbank, Waleed Malik, Robert Sharpe, Jon Silver

NOMINATION AND GOVERNANCE

Chair Bill Ross, Patricia McMahon, Robert Sharpe.

ORAL HISTORY

Co-Chairs Paul Reinhart and Patricia McMahon, Ian Hull, Michael Tulloch.

COMMUNICATIONS

Chair Mary Stokes, Philip Girard, Patricia McMahon, Jon Silver.

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

Osgoode Hall

April 2018





The Osgoode Society
For Canadian Legal History

FINANCIAL STATEMENTS

December 31, 2017



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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, 2017 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, 2017 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 Professional Accountants
Licensed Public Accountant

Toronto, Ontario
May 24, 2018





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, 2017

	Theodor Kerzner, Q.C. 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	2017
	Note 2	Note 3	Note 4	Note 5	Note 5	Note 6	\$
ASSET							
CURRENT							
Cash	-	-	-	-	-	13,784	13,784
Investments (Notes 5, 6, 7)	17,528	-	-	-	25,000	480,374	594,496
Accounts receivable	23,359	-	4,061	5,796	-	-	23,359
Due from the general fund	-	-	-	159	-	-	159
Prepaid expenses	639	-	-	-	-	-	639
Publication inventory (Note 8)	63,174	-	-	-	-	-	63,174
	104,700	61,737	4,061	5,955	25,000	494,158	695,611
	8,201	-	-	-	-	-	8,201
CAPITAL ASSETS (Note 9)	112,901	61,737	4,061	5,955	25,000	494,158	703,812
LIABILITIES							
CURRENT							
Bank indebtedness	6,392	-	-	-	-	-	6,392
Accounts payable and accrued liabilities	37,186	-	-	-	-	-	37,186
Due to restricted funds	159	-	-	-	-	-	159
Deferred revenue	823	-	-	-	-	-	823
	44,560	-	-	-	-	-	44,560
NET ASSETS	68,341	61,737	4,061	5,955	25,000	494,158	659,252

APPROVED ON BEHALF OF THE MEMBERS:

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, 2016

	General \$	Theodor Kerzner, Q.C. 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 \$	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	-	-	-	-	-	-	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	61,669	64,041	4,285	5,631	25,000	490,299	736,274
CAPITAL ASSETS (Note 9)	10,251	-	-	-	-	-	-	10,251
	95,600	61,669	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	61,669	64,041	4,285	5,631	25,000	490,299	655,225

SEE ACCOMPANYING NOTES





THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

STATEMENT OF OPERATIONS FOR THE YEAR ENDED DECEMBER 31, 2017

	General	Theodor Kerzner, Q.C. Fund	Stuart Thom Special Projects Fund	Peter Oliver Memorial Student Fund	John T. Saywell Prize Fund	John T. Saywell Endowment	Honourable R. Roy McMurry Legal History Fellowship Fund	2017
	\$	\$	\$	\$	\$	\$	\$	\$
REVENUE								
Law Foundation of Ontario grants	192,230	-	-	-	-	-	-	192,230
Fundraising	32,500	-	-	-	-	-	-	32,500
Membership fees	32,085	-	-	-	-	-	-	32,085
Book sales	12,913	-	-	-	-	-	-	12,913
Events	7,515	-	-	-	-	-	-	7,515
Donations	816	-	-	-	-	-	6,000	6,816
Investment income	175	68	-	13	324	-	5,859	6,439
Other	5,957	-	-	-	-	-	-	5,957
	284,191	68	-	13	324	-	11,859	296,455
EXPENDITURES								
Society programmes								
Publications (Notes 8)	64,788	-	-	-	-	-	-	64,788
Oral history (Note 10)	43,735	-	-	-	-	-	-	43,735
Events	24,589	-	-	-	-	-	-	24,589
Research support (Note 10)	23,631	-	-	-	-	-	-	23,631
Editorial and programme support (Note 10)	19,257	-	-	-	-	-	-	19,257
Grants and awards (Notes 2, 3, 4, 6)	8,528	-	-	237	-	-	8,000	16,765
Membership and promotion (Note 10)	6,039	-	-	-	-	-	-	6,039
	190,567	-	-	237	-	-	8,000	198,804
Administration								
Administration (Note 10)	36,044	-	-	-	-	-	-	36,044
Office	26,178	-	-	-	-	-	-	26,178
Professional fees	24,876	-	-	-	-	-	-	24,876
Website	4,185	-	-	-	-	-	-	4,185
Amortization	2,050	-	-	-	-	-	-	2,050
Bad debt	291	-	-	-	-	-	-	291
	93,624	-	-	-	-	-	-	93,624
Total expenditures	284,191	-	-	237	-	-	8,000	292,428
EXCESS (DEFICIENCY) OF REVENUE OVER EXPENDITURES	-	68	-	(224)	324	-	3,859	4,027

SEE ACCOMPANYING NOTES

THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

STATEMENT OF OPERATIONS

FOR THE YEAR ENDED DECEMBER 31, 2016

	Theodor Kerzner, Q.C. 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	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 (Note 8)	69,858	-	-	-	-	-	69,858
Oral history (Note 10)	28,756	-	-	-	-	-	28,756
Research support (Note 10)	22,500	-	-	-	-	-	22,500
Editorial and programme support (Note 10)	26,189	-	-	-	-	-	26,189
Grants and awards (Notes 3, 4, 5, 6)	-	5,400	302	-	-	14,000	22,715
Membership and promotion (Note 10)	11,120	-	-	-	-	-	11,120
Events	5,147	-	-	-	-	-	5,147
	163,570	38,331	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	302	-	-	14,000	361,788
EXCESS (DEFICIENCY) OF REVENUE OVER EXPENDITURES	(15,840)	(38,331)	(302)	389	-	(2,828)	(75,622)

SEE ACCOMPANYING NOTES





THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

STATEMENT OF CHANGES IN NET ASSETS FOR THE YEAR ENDED DECEMBER 31, 2017

	General	Theodor Kerzner, Q.C. 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	2017	2016
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Beginning of the year	4,300	61,669	64,041	4,285	5,631	25,000	490,299	655,225	730,847
Excess (deficiency) of revenue over expenditures	-	68	-	(224)	324	-	3,859	4,027	(75,622)
Transfers (Note 3)	64,041	-	(64,041)	-	-	-	-	-	-
End of year	68,341	61,737	-	4,061	5,955	25,000	494,158	659,252	655,225

NET ASSETS

THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

STATEMENT OF CASH FLOWS

FOR THE YEAR ENDED DECEMBER 31, 2017

	2017 \$	2016 \$
CASH, beginning of the year	603,778	778,162
CASH FLOW FROM OPERATING ACTIVITIES		
Grants	202,005	93,391
Fundraising and donations	33,316	30,790
Membership	26,070	25,894
Book sales	11,917	16,168
John T. Saywell Prize	324	389
Investment income	256	2,147
Other	243	342
Special projects	(528)	(1,836)
Website	(3,640)	(13,310)
Honourable R. Roy McMurtry Legal History Fellowship	(4,141)	(4,828)
Events	(17,074)	(8,362)
Editorial, programme and research support	(42,888)	(53,797)
Oral history	(43,735)	(72,592)
Publication	(73,201)	(78,314)
Administration	(90,814)	(110,466)
	(1,890)	(174,384)
CASH, end of the year	601,888	603,778
CASH CONSISTS OF:		
Cash	13,784	5,408
Bank indebtedness	(6,392)	(62)
Investments, other	594,496	598,432
	601,888	603,778

SEE ACCOMPANYING NOTES



THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

NOTES TO FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2017

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 recorded at cost and interest is 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
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(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, 2017

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 expensed.

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 2017, investment income of \$68 (2016 - \$nil) was retained in the Theodor Kerzner, Q.C. Fund.



THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

NOTES TO FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2017

3. 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. The Stuart Thom Special Projects Fund was established by the Board of Directors in 2009 and represented an allocation of net assets previously restricted by the Board as part of the Stuart Thom Fund. This fund was to be used for projects that significantly advance the mission of the Society.

In 2017 the Board of Directors approved a motion to remove restrictions from the Stuart Thom Special Projects Fund. All assets were transferred to the General Fund in the year.

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.

The Society is entitled to use the investment income from the Peter Oliver Memorial Student Fund for its operations. For fiscal 2017, investment income of \$13 (2016 - \$nil) was retained in the Peter Oliver Memorial Student Fund.

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 normally 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. No recipient was selected for 2017, however a prize will be awarded in 2018 should there be an appropriate recipient.

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 19, 2018, earning interest at 0.65%.

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 assets represents restricted contributions to the Fellowship.

The Law Society Foundation provided a \$6,000 contribution to the McMurtry Fellowship in 2017.

During the year the Directors elected to pay \$8,000 of the \$16,000 award from the McMurtry Fellowship, with the balance of \$8,000 paid from the General Fund.



THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

NOTES TO FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2017

6. HONOURABLE R. ROY MCMURTRY LEGAL HISTORY FELLOWSHIP FUND, continued

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 10, 2018 and earning interest at 1.5% per annum.

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 and Peter Oliver Memorial Student Fund are commingled for ease of management. These investments consist of Guaranteed Investment Certificates, maturing January 22, 2018 and August 22, 2018, earning interest at rates of 0.55% and 0.45%.

8. PUBLICATION INVENTORY

Included in publication programme costs is a write down of \$28,763 (2016 - \$29,012) required to reflect inventory at the lower of cost and net realizable value.

9. CAPITAL ASSETS

	Cost	Accumulated Amortization	Net 2017	Net 2016
	\$	\$	\$	\$
Office equipment	18,400	10,199	8,201	10,251

10. ALLOCATION OF EXPENSES

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

	2017	2016
	\$	\$
Editorial and programme support	19,257	26,189
Administration	36,044	59,603
Membership and promotion	5,507	10,564
Oral history	41,645	56,996
Research support	22,500	22,500
	124,953	175,852



THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

NOTES TO FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2017

11. COMMITMENTS

The Society fulfills its mandate in part through providing research grants. As at December 31, 2017, the Society has outstanding commitments of \$13,524 (2016 - \$5,805) to be expended on research and related projects.

The 2017 McMurtry Fellowship includes a commitment to pay the second installment of a fellowship, \$8,000, in 2018.

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.



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