

MINUTES of an Annual Meeting of the Members of **THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY** (the "Society"), held o n Z O O M on the 28th day of November 2020, at the hour of 5:30 o'clock p.m.

PRESENT: a quorum of the members of the Society.

CHAIR AND SECRETARY

Justice Robert Sharpe, the President of the Society, chaired the meeting and, with the consent of the meeting, Amanda Campbell acted as Secretary of the meeting.

NOTICE OF MEETING

The Chair stated that, a quorum of the members being present and notice of the calling of the meeting having been provided as required by the Society's By-laws, the meeting was properly constituted for the transaction of business.

Justice Sharpe requested a motion to accept the minutes of the 2019 Annual Meeting.

MOTION PASSED: On Motion duly made, seconded and unanimously carried, the minutes of the 2019 Annual Meeting were accepted.

Justice Sharpe introduced a discussion of the 2019 Annual Report and financial statements and noted that members should feel free to offer comments and ask questions following reports.

FINANCIAL STATEMENTS

The Chair presented to the meeting the audited financial statements of the Society for its financial year ended December 31, 2019, prepared by Monte Lisi & Smith, Chartered Accountants (which had been sent to the members with the notice of this meeting).

Jim Phillips briefly reviewed the Society's financial position, noting that the Society had a clean audit and that there are no financial concerns. The Chair then called for any comment or questions concerning the financial statements or the Auditors' Report thereon. There were no questions. The audit was accepted.

MOTION PASSED: On Motion duly made, seconded and unanimously carried, the resolution to accept the 2019 audited financial papers was approved.

EDITOR-IN-CHIEF R E P O R T

Professor Jim Phillips (Editor-in-Chief) referred the meeting to pages 2-4 of the annual report which includes the Editor-in-Chief Report and The Publishing Programme report. In 2019 our member's book was *Connecting the Dots: The life of an Academic Lawyer* by Harry Arthurs. This book, more of a 'life and times' than an autobiography, is an account of Arthurs' intellectual trajectory, the memoir of a person who has lived his professional life to the full and rendered his country much meritorious service. It covers all aspects of his career, a compendium of trials, tribulations and triumphs, with frankness, perspicacity, and humour. Our optional extra title was *Wounded Feelings: Litigating Emotions in Quebec, 1870-1950*, by Eric Reiter, Professor of History at Concordia University, published with the University of Toronto Press. The book is based on court cases involving defamation, breach of promise of marriage, personality rights, and religious beliefs — all areas of 'emotion' which lead to legal action.

Our 2020 members book is *Doodem and Council Fire: Anishinaabe Governance through Alliance* by Professor Heidi Bohaker. Our optional extra title is *The Death Penalty and Sex Murder in Canadian History* by Professor Carolyn Strange.

There were no questions.

REPORT ON ORAL HISTORY PROGRAMME

Oral History Coordinator Patricia McMahon reported on the oral history programme. The Osgoode Society's Oral History Program is dedicated to preserving stories about the Canadian legal profession, whether they involve judges, lawyers or others involved in the administration of justice. It is the largest oral history program of its kind. With more than 630 oral history interviews dating back to 1980, it is an invaluable tool for legal historians now and in the future.

The program continues and in 2019 five interviews were completed and nine were in progress. There were no questions.

Election of Directors

The Chair then stated that it was in order to proceed with the election of directors. He informed the meeting that The Attorney General of Ontario (currently represented by Joshua Hunter), The Treasurer of the Law Society of Upper Canada (currently Mr. Malcolm Mercer) and the Society's Past President (The Honourable R. Roy McMurtry) are directors ex- officio. He then declared the meeting open for nominations. The persons listed on Schedule B hereto were duly nominated.

There being no further nominations, the Chair declared nominations closed and the number of nominees being equal to the number of directors eligible for election at the meeting, the Chair then declared each of those nominated to be duly elected a director of the Society, each to hold office until his or her successor is elected or appointed, subject to the provisions of the Corporations Act of Ontario and of the Society's By-laws.

APPOINTMENT OF AUDITORS

The Chair stated that the next item of business was considering the appointment of an independent auditor for the Society and authorizing the directors to fix such auditor's remuneration. On motion duly made, seconded and unanimously carried, the following resolution was passed:

RESOLVED THAT Monte Lisi & Smith, Chartered Accountants be and they are hereby appointed auditors of the Society, to hold office until the holding of the next annual meeting of the shareholders of the Society unless they are earlier duly removed from office, at a remuneration to be fixed by the Board of directors, the Board being hereby authorized to fix such remuneration.

AWARDS PRESENTATIONS

The Chair then asked Professor Phillips to present the winners of each of the Osgoode Society awards for 2020.

Peter Oliver Prize. Named for the Society's first and long-serving Editor-in-Chief, the Peter Oliver Prize is given for published work in Canadian legal history by a student. The 2020 winner is Jacqueline Briggs, a Ph.D. student in the Centre for Criminology and Socio-Legal Studies, University of Toronto, for her article 'Exemplary Punishment: T.R.L. MacInnes, the Department of Indian Affairs, and Indigenous Executions, 1936-1952, published in the *Canadian Historical Review*. The article is a fascinating account of a legal aid programme for capitally-charged Indigenous defendants, the first publicly-funded legal aid programme in Canada. It was also awarded the prize for the best article published in 2019 by the Political History Group of the Canadian Historical Association.

The Hon. R. Roy McMurtry Fellowship in Canadian Legal History. Created on the occasion of his retirement as Chief Justice of Ontario, the McMurtry Fellowship honors Roy McMurtry's contributions to Canadian Legal History as the founder and long-time President of the Osgoode Society. It supports a graduate or post-doctoral student working in the field of Canadian legal history. This year the Society was able to award fellowships to its first choice and to two honourable mentions. The principal winner is Jean-Christophe Bédard-Rubin, a doctoral student in the Faculty of Law, University of Toronto, who is writing an intellectual history of Étienne Parent,

a leading Quebec constitutional thinker in the immediate pre- and post-Confederation period. Also McMurry Fellows, as honourable mentions, are Michael Borsk and Krista Barclay. Michael Borsk is a Ph.D. student in history at Queen's University. He is researching the history of ideas about private property and sovereignty in Ontario and Michigan in the first half of the nineteenth century. Krista Barclay received her PhD from the University of Manitoba and is currently a post-doctoral fellow at the Department for the Study of Religion at the University of Toronto. She is working on inheritance law in nineteenth-century British North America.

The John T. Saywell Prize in Canadian Constitutional Legal History. Created to honour the memory and legacy of one of Canada's leading political and legal historians, the Saywell Prize is awarded every other year to a book that has made a substantial and enduring contribution to Canadian Constitutional History. The 2020 winner is *Flawed Precedent: The St Catherine's Case and Aboriginal Title*, by Professor Kent McNeil of Osgoode Hall Law School. The book examines in detail the context for, and legacy of, the Privy Council decision that stood for decades as the leading statement of what aboriginal title meant in Canadian law.

Congratulations to all our award winners. Congratulations also to one of our own authors, Eric Reiter, whose 2019 Osgoode Society book *Wounded Feelings: Litigating Emotions in Quebec, 1870-1950*, recently won the 2020 Canadian Historical Association Prize for the best book in Canadian History and the Governor-General's History Award for Scholarly Research.

Justice Sharpe to ask if there was any other business, and their being none Jim Phillips introduced the guest speaker, Professor Carolyn Strange, to address members on aspects of her recently published Osgoode Society book, *The Death Penalty and Sex Murder in Canadian History*.

ADJOURNMENT

There being no further business, on motion duly made, seconded and unanimously carried, the meeting then adjourned.

Chairman

Secretary

SCHEDULER

Schedule - Osgoode Society Directors for Election to the Board in 2020*

THAT THE FOLLOWING BE ELECTED AS DIRECTORS OF THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY:-

1. Professor Constance Backhouse
2. Professor Heidi Bohaker
3. Bevin Brooksbank
4. Shantona Chaudhury
5. David Chernos
6. Paul Davis
7. Timothy Hill
8. Ian Hull
9. Trisha Jackson
10. Justice Mahmud Jamal
11. Waleed Malik
12. Rachel McMillan
13. Dana Peebles
14. Justice Paul Reinhardt
15. Justice Paul Schabas
16. Justice Robert Sharpe
17. Jonathan Silver
18. Linda Silver Dranoff
19. Alex Smith
20. Justice Lorne Sossin
21. Mary Stokes
22. Justice Michael Tulloch
23. John Wilkinson

*The Attorney General of Ontario (currently represented by Joshua Hunter), The Treasurer of the Law Society of Upper Canada (currently Mr. Malcolm Mercer) and the Society's Past President (The Honourable R. Roy McMurtry) are directors ex-officio.