

MINUTES of an Annual Meeting of the Members of **THE OSGOOD SOCIETY FOR CANADIAN LEGAL HISTORY** (the "Society"), held o n Z O O M on the 23rd day of June 2021 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 2020 Annual Meeting.

MOTION PASSED: On Motion duly made, seconded and unanimously carried, the minutes of the 2020 Annual Meeting were accepted.

Justice Sharpe introduced a discussion of the 2020 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, 2020, 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.

MOTION PASSED: On Motion duly made, seconded, and unanimously carried, the resolution to accept the 2020 audited financial papers was approved.

EDITOR-IN-CHIEF R E P O R T

In 2020 the Society published two books. The members' book was *Doodem and Council Fire: Anishinaabe Governance through Alliance* by Professor Heidi Bohaker, University of Toronto, published by the University of Toronto Press. While Canada's constitution protects Indigenous treaty rights, Canadians know much less about the legal traditions of Indigenous nations and the ways in which these different traditions informed treaties made between Indigenous peoples and the Crown. This volume is a ground-breaking exploration of one Indigenous legal tradition. In it, the author explains how a uniquely Anishinaabe category of kinship, the *doodem*, structured governance and law as practiced in formal councils (referred to metaphorically as fires) through the practice of alliance formation. Such alliances created relationships of interdependence, which were renewed through the exchange of gifts in council. The records of early Canadian treaties, Bohaker argues, are to be found in the records of gifts exchanged to create these alliances between council fires; the Anishinaabe treated the French, and later the British, as if their governments were council fires also. In return, colonial officials adhered to Indigenous law when they entered into treaties. Bohaker weaves together a voluminous amount of research from both Anishinaabe and European sources, including archival documents and material culture from institutions in Canada, Britain, and France, to describe the continuities and changes in Anishinaabe governance and law until settler colonial law (the Indian Act) replaced traditional governance with elected band councils.

Our optional extra for 2020 was *The Death Penalty and Sex Murder in Canadian History* by Professor Carolyn Strange of the Australian National University, published by the University of Toronto Press. This major study of the operation of the death penalty focusses on the disposition by executive review of all cases between Confederation and the abolition of the death penalty in which the offender not only committed murder but did so at the same time as he (or she) also committed a serious sexual offence. Professor Strange is able to show that such offenders fared much less well in the commutation process than other people convicted of murder and sentenced to death. As importantly, she divides the overall narrative into six periods, showing that within each period political, administrative, and public consideration of the cases were conducted against a background of other concerns, ranging from the 'danger' of immigrants to the rise of psychiatric concern with such offenders to the abolition movement of the 1960s.

Unfortunately, due to COVID 19 restrictions the Society's usual book launch and reception could not be held in 2020.

We will publish four books in 2021.

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. collection through Twitter (you can follow us at @OSOralHistory). In 2020, five interviews were completed and fourteen were in progress.

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 Theresa Donnelly) 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 winner in 2021 is Paul Jon, 'Tenant Organizing and the Campaign for Collective Bargaining Rights in British Columbia, 1968-1975', *BC Studies*, *BC Studies*, No 206, 2020.

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 Tyler Wentzell. Tyler Wentzell is an SJD student at the University of Toronto Faculty of Law. His work examines the legal history of Canada's use of the military in domestic operations: from "strike-breaking" and other instances of local aid of the civil power, to its use by the federal government to reassert control in times of insurrection or to establish control on the state's periphery. In 2021 Honourable Mention goes to Kenneth Grad. Kenneth Grad is a second-year Ph.D. candidate at Osgoode Hall Law School, York University. His work is a legal-historical study of one of the pivotal moments in Canadian legal history and Canadian Jewish history: the prosecutions of Holocaust deniers Ernst Zundel and James Keegstra in the 1980's.

Honourable Mention also goes to Taylor Starr is a Ph.D. Candidate in History at York University. Her project is titled “Invisible Barriers: Gendered Problems in Canadian Law Faculties, 1965-1994”.

Congratulations to all our award winners.

Justice Sharpe to ask if there was any other business, and their being none Jim Phillips introduced the guest speaker, the guest speaker Daniel Rück, to address members on aspects of his upcoming Osgoode Society book *The Laws of the Land*.

ADJOURNMENT

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

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

Chairman

Secretary

Schedule - Osgoode Society Directors for Election to the Board in 2021*

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

Professor Constance Backhouse

Professor Heidi Bohaker

Bevin Brooksbank

Shantona Chaudhury

David Chernos

Paul Davis

Timothy Hill

Ian Hull

Trisha Jackson

Justice Mahmud Jamal

Waleed Malik

Rachel McMillan

Dana Peebles

Mr. David Rankin

Justice Paul Schabas

Justice Robert Sharpe

Jonathan Silver

Linda Silver Dranoff

Alex Smith

Justice Lorne Sossin

Mary Stokes

Justice Michael Tulloch

John Wilkinson

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