

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.

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.

The Osgoode Society

For Canadian Legal History


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



Editor's Report



2015 was a banner year for the Society. The four books launched in Convocation Hall brought our total to 100 since the publishing programme began in 1981. This makes us by far the most successful legal history organisation in the common law world. The four books for 2015 also show what a truly national organisation we have become. They cover the challenges to civil liberties and fundamental values across the country in the early decades of the twentieth century; the legal battles between the City of Toronto and its first street railway, the predecessor of today's TTC; the struggles and accommodations needed to maintain Jewish schools in Montreal, when the constitution provided only for Protestant and Catholic schools; and the operation of the law and courts in the Red River Settlement. We expect our 'second century' to feature the same quality and variety of publishing that has marked our first.

Our oral history programme is being substantially revamped, with the first stage being a thorough digitisation of our resources. When this is completed access to oral histories through our new website (a marvel in itself) will be much easier. We are making various other improvements to oral history, spearheaded by our Oral History Co-Ordinator and former Board member Patricia McMahon. Patricia has transformed and modernised how we

go about collecting and preserving oral history as an invaluable resource for future historians.

2015 was also a milestone in our history, for it saw the stepping down as President of our founder and long-term President, the Hon. R. Roy McMurtry. We marked the occasion and honoured Roy with a sold out dinner in Convocation Hall, an evening which featured numerous expressions of admiration, respect and affection. Luckily, Roy is remaining on the Board and his advice will be invaluable to our new President, the Hon. Robert Sharpe, who was the unanimous and enthusiastic choice of our Board to succeed Roy.

The Society is on solid ground financially, and we were helped this year by a very generous substantial bequest from one of our long-time members, Theodor Kerzner, Q.C., for which we are most grateful. We have named our research grant programme for Mr Kerzner, and will devote the money to this and other activities and programmes.

I am fortunate to be able to be the bearer of so much good news. As always, I am deeply grateful for the excellent work and dedication of all our directors, for the sterling work put in by the Associate Editor Professor Philip Girard, and for the assistance of our administrator Marilyn MacFarlane.

The Publishing Programme

In 2015 the Society published four books.

ANNUAL BOOK

Security, Dissent and the Limits of Toleration in War and Peace, Canadian State Trials, Vol IV, 1914-1939, edited by Barry Wright, Department of Law, Carleton University, Eric Tucker, Osgoode Hall Law School, and Susan Binnie, Independent Historian, published by the University of Toronto Press.

This latest collection in our *State Trials* series, looks at the legal issues raised by the repression of dissent from the outside of World War One through the 1930s and the Great Depression. All regions of the

country are covered, and special attention given in one essay to Quebec's repression of radicalism. The volume focusses attention on older manifestations of contemporary dilemmas: what are the acceptable limits of dissent in a democracy, and what limits should be placed on state responses to perceived challenges to its authority.

ALL MEMBERS RECEIVE THIS BOOK AT NO EXTRA CHARGE

OPTIONAL EXTRAS

"Honorary Protestants": The Jewish School Question in Montreal, 1867-1997 by David Fraser,

**Professor of Law, University of Nottingham,
published by the University of Toronto Press.**

Section 93 of the *Constitution Act 1867* guaranteed certain educational rights to Catholics and Protestants in Quebec, but not to anybody else. This study of the challenges, legal and otherwise, encountered by Jewish parents in educating their children in Montreal in the shadow of s. 93, will undoubtedly become the standard work on the subject. Faced with alternating periods of hostility and tolerance, the Jewish community of Montreal carved out an educational *modus vivendi* based on complex and continuing negotiations with the Protestant and Catholic school boards, the provincial government, and individual municipalities. Bargaining in the shadow of the law, the parties made their own constitution long before the constitutional amendment of 1997 finally put an end to the Jewish school question.

***A Thirty Years' War: The Failed Public/Private Partnership that Spurred the Creation of the Toronto Transit Commission, 1891-1921*, by
C. Ian Kyer.**

Between 1891 and 1921 the Toronto Railway Company (TRC) operated the city's streetcars under a franchise granted by the city. The arrangement brought the City a modern electric streetcar system. But the relationship between the two was a tempestuous one, marked and marred by almost constant conflict and confrontation. Remarkably, the many court battles that resulted went to the Judicial Committee of the Privy Council on fourteen separate occasions. This book details these legal disputes, and along the way links them to the city's expansion and development, its municipal politics, the provincial debates over public ownership of many kinds of utilities, and the legal culture of the day, which reveals a remarkable faith in the courts. This is a fascinating historical story, set in its own time and milieu, but which also has considerable contemporary relevance as Toronto and Canada's other major urban centres wrestle with their modern transportation problems. It will be of interest not only to legal historians but also to those interested in transit and municipal history, and in the correct balance between public and private ownership.

***Law, Life, and Government at Red River*, by
Dale Gibson, Professor Emeritus, University
of Manitoba, published by McGill-Queen's
University Press.**

The General Quarterly Court of Assiniboia can justly be called the first 'British' court in western Canada. Although there were predecessor institutions and judicial arrangements for hearing criminal and civil cases, the establishment of the Quarterly Court in the 1830s put the administration of justice in the Red River region on a firm and regularised footing. Professor Gibson's comprehensive history of the Court weaves together the legal history of Red River with its social, economic, and political history. At the centre piece of this book sits the complete court proceedings of the General Quarterly Court from 1844 until 1872, which are examined in detail and in context to provide a compelling narrative of the administration of substantial rather than formal justice in a Company community.

IF YOU WISH TO RECEIVE any of the above books, please visit our website – osgoodesociety.ca and order on line. You may also contact our offices.

Book Reception

A reception was held at Osgoode Hall, Toronto, on November 5, 2015 to launch the Society's 2015 books.

2016 Publications

ANNUAL BOOK

In 2016 we are introducing a new policy, under which members may choose the book they receive as part of their membership. This year the choice is between two books, discussed below. Whichever one they choose, they may also opt to purchase the other as an 'optional extra.'

Lori Chambers, *A History of Adoption Law in Ontario, 1921-2015* (University of Toronto Press)





Lori Chambers, Professor at Lakehead University, has written two previous books for the Osgoode Society. Her latest contribution traces the history of adoption law in Ontario from 1921, when the first Adoption Act was passed, to the present. She details the origins and passage of that legislation and then examines a series of legal changes and accompanying controversies, from debates about the meaning of consent by birth mothers to same-sex adoption. Many of these controversies – adoption of aboriginal children, international adoption, secrecy in adoption records – have emerged in the last few decades, and this is therefore very much a ‘modern’ history of adoption law. In analyzing the development of the law Chambers skilfully weaves together statutes and cases with extra-legal debates over the meaning of parental and childrens’ rights.

Bradley Miller, *Borderline Crime: Fugitive Criminals and the Challenge of the Border, 1819-1914*. (University of Toronto Press)

Bradley Miller, Professor of History at the University of British Columbia, has written the first comprehensive history of cross-border Canadian-American interactions in relation to fugitive criminals, escaped slaves, and refugees. Miller examines the complexity of those interactions, which involved formal legal regimes governed by treaties as well as informal and extra legal phenomena such as abductions and ground-level ‘customary’ co-operation between low-level officials. All of this is set against the background of a developing international law and evolving ideas about extradition in other parts of the British empire.

OPTIONAL EXTRA

Our additional optional extra this year is *Law, Debt and Merchant Power: The Civil Courts of Eighteenth-Century Halifax*, by James Muir, Professor of Law and History, University of Alberta, published by the University of Toronto Press. This is a path-breaking study of the every day work of civil law and civil courts. It examines the type of litigation pursued (mostly debt), how the courts worked, and how the economy operated in a society with very little cash and in which credit

was the lifeblood of commerce. Muir employs both quantitative and qualitative analyses of all extant case files and explains how eighteenth-century court procedure worked. He situates his study against the society and economy of Halifax, analyzing who sued who and why and how the legal system fit into patterns of economic relations and activity.

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.

Books Previously Published

- 2015 **Security, Dissent and the Limits of Toleration in War and Peace, Canadian State Trials, Vol IV, 1914-1939**, edited by Barry Wright, Eric Tucker, and Susan Binnie
Law, Life, and Government at Red River, Dale Gibson
“Honorary Protestants”: The Jewish School Question in Montreal, 1867-1997, David Fraser
A Thirty Years’ War: The Failed Public/Private Partnership that Spurred the Creation of the Toronto Transit Commission, 1891-1921, by C. Ian Kyer
- 2014 **The Court of Appeal for Ontario: Defining the Right of Appeal 1792-2013**, Christopher Moore
Equality Deferred: Sex Discrimination and British Columbia’s Human Rights State, 1953-1984, Dominique Clement
Petty Justice: Low Law and the Sessions System in Charlotte County, NB 1785-1867, Paul Craven
Ruin & Redemption: The Struggle for a Canadian Bankruptcy Law, 1867-1919, Thomas Telfer
- 2013 **Memoirs & Reflections**, Roy McMurtry
The Massey Murder: A Maid, Her Master and the Trial that Shocked a Nation, Charlotte Gray

- Lawyers, Families, and Businesses: The Shaping of a Bay Street Law Firm, Faskens 1863-1963**, C. Ian Kyer
- Essays in the History of Canadian Law: Volume XI: Quebec and the Canadas**, edited by G. Blaine Baker and Donald Fyson
- 2012 **Arming and Disarming: A History of Gun Control in Canada**, Blake R. Brown
- Property on Trial: Canadian Cases in Context**, edited by Eric Tucker, James Muir & Bruce Ziff
- Hunger, Horses and Government Men: Criminal Law on the Aboriginal Plains, 1870-1905**, Shelley Gavigan
- The African-Canadians Legal Odyssey: Selected Essays**, edited 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 Centre 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, 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**, Christopher English, Ed.
- 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**, Philip Girard, Jim Phillips & Barry Cahill, Eds.
- 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**, F. Murray Greenwood and Barry Wright, Eds.
- 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**, G. Blaine Baker and Jim Phillips, Eds.
- 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 Haring
- '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**, Carol Wilton, Ed.
- Bad Judgment: The Case of Mr. Justice Leo Landreville**, William Kaplan
- Canadian State Trials, Vol. I, Law, Politics and Security Measures 1608-1837**, F. Murray Greenwood and Barry Wright, Eds.
- 1995 **Just Lawyers: Seven Portraits**, David R. Williams
- Northern Justice: The Memoirs of Mr. Justice William G. Morrow**, W.H.Morrow, Ed.

- Essays in the History of Canadian Law, Vol. VI, British Columbia and the Yukon**, Hamar Foster and John McLaren, Eds.
- 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**, Jim Phillips, Tina Loo & Susan Lewthwaite, Eds.
- 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 (Out of Print)
- Provincial Justice: Upper Canadian Legal Portraits from the Dictionary of Canadian Biography**, Robert Fraser, Ed.
- 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**, Philip Girard and Jim Phillips, Eds. (Now available in paperback)
- Essays in the History of Canadian Law, Vol. IV, Beyond the Law, Lawyers and Business in Canada 1830-1930**, Carol Wilton, Ed.
- 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**, David H. Flaherty, Ed (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**, David H. Flaherty, Ed.

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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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 of ‘Corporate Sustaining members’ which is \$500.00. For information about charitable receipts, please contact our office.

The twentieth Annual Patrons’ Dinner was held on May 20th, 2015 at Osgoode Hall in the Benchers’ Dining Room. The dinner was hosted by Janet Minor, 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.

Membership

	2015	2014
Student	91	48
Ordinary	495	470
Ind. Sustaining	162	177
Corp. Sustaining	2	1
Life	1	1
	751	697

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Awards

The Society offers or administers a number of awards.

R. Roy McMurtry Fellowship. In 2015 we awarded the eighth 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 2015 winner was Elizabeth Koester, a doctoral student in history at the University of Toronto, for work on eugenics in twentieth century Ontario. The Osgoode Society congratulates the winner, chosen from a very strong field of applicants, and is delighted that the fellowship has been awarded to such worthy researchers.

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

In 2015 two prizes were awarded:

Edward Cavanagh, ‘Possession and Dispossession in Corporate New France, 1600-1663: Debunking a “Juridical History” and Revisiting *Terra Nullius*,’ *Law and History Review*, vol. 32, 2014

Tyler Wentzell, ‘The Court and that Cataracts: The Creation of the Queen Victoria Niagara Falls Park and the Ontario Court of Appeal,’ *Ontario History*, vol 106, 2014

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.

In 2015 the prize was awarded to Hakeem Yusuf, Reader in Law, Strathclyde University, for *Colonial and Post-Colonial Constitutionalism in the Commonwealth: Peace, Order and Good Government* (Routledge, 2014)

The Saywell Prize is awarded every second year. It will be awarded again in 2017.

STUDENT BOOK AWARD

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

THEODOR KERZNER Q.C. RESEARCH GRANTS

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

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

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

No grants were made under this programme in 2015.

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 Ontario Conference of Judges.

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

The number of legal professionals interviewed through the programme since 1979 now totals approximately 593, with approximately 94,668 pages of transcript. For a complete listing of all interviews conducted for the Osgoode Society oral history programme, consult our website – www.osgoodesociety.ca.

In 2015 we appointed Patricia McMahon as Oral History Co-Ordinator. She has re-organised, revamped and modernised the programme to a very considerable extent, and the work is on-going. For more information contact patricia.mcmahon@rogers.com.



Completed Interviews in 2015

IN-DEPTH

Mr. Thomas Conway
Mr. Jonathan Speigel

Muskoka Project

Mr. William Grimmett
Mr. Nick Roche
Ms. Judith Stephenson

SPONSORED PROJECTS

Ontario Court of Justice History project

The Hon. J. Bark
The Hon. Jennifer Blishen
The Hon. I. Hansen
The Hon. Sidney Linden – An update
The Hon. S. Nosanchuk

In Progress

Treasurer's project

Ms. Laurie Pawlitza

SPONSORED PROJECTS

Ontario Court of Justice History project

The Hon. Marietta Roberts

Attorney General (Ontario) Project

Ms. Janet Minor

Directors and Annual Meeting

Meetings of the Board of Directors were held on January 15, June 18, and September 23rd. The Annual Meeting of Members of the Society took place on June 18 at Osgoode Hall.

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

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

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

The annual meeting was addressed by Professor Barry Wright on the members' book for 2015, *Security, Dissent and the Limits of Toleration in War and Peace, Canadian State Trials, Vol IV, 1914-1939*,

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.

The Directors welcome inquiries and suggestions on any aspect of the work of the Society. The Board operates with the assistance of various committees. Members interested in joining or assisting a committee should contact the chair of the committee. The committees are:

Membership: Chair Virginia MacLean

Nomination and Governance: Bill Ross

Oral History: Paul Reinhart & Doug Ewart

Osgoode Hall

May, 2016





FINANCIAL STATEMENTS

DECEMBER 31, 2015

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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, 2015 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 C H A R T E R E D A C C O U N T A N T S	T 416.363.5105 F 416.363.6030
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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, 2015 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.

A handwritten signature in black ink that reads 'Monte-Lisi & Smith'.

Toronto, Ontario
April 21, 2016

Chartered Accountants
Licensed Public Accountants



THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

(Incorporated without share capital under the laws of the Province of Ontario)

STATEMENT OF FINANCIAL POSITION

AS AT DECEMBER 31, 2015

	Theodor Kerzner, Q.C. Fund	Stuart Thom Fund	Peter Oliver Memorial Student Fund	John T. Saywell Prize Fund	John T. Saywell Endowment	Honourable R. Roy McMurry Legal History Fellowship Fund	2015
	Note 2	Note 3	Note 4	Note 5	Note 5	Note 6	
General \$	\$	\$	\$	\$	\$	\$	\$
ASSET CURRENT							
Cash	52,936	-	-	159	-	13,408	66,503
Investments (Note 7)	5,325	91,945	4,587	5,083	25,000	479,719	711,659
Accounts receivable	29,083	-	-	-	-	-	29,083
Prepaid expenses	3,830	-	-	-	-	-	3,830
Publication inventory (Note 8)	42,085	-	-	-	-	-	42,085
	133,259	91,945	4,587	5,242	25,000	493,127	853,160
CAPITAL ASSETS (Note 9)	12,830	-	-	-	-	-	12,830
	146,089	91,945	4,587	5,242	25,000	493,127	865,990
LIABILITIES CURRENT							
Accounts payable and accrued liabilities	44,819	-	-	-	-	-	44,819
Deferred revenue	90,324	-	-	-	-	-	90,324
	135,143	-	-	-	-	-	135,143
NET ASSETS	10,946	91,945	4,587	5,242	25,000	493,127	730,847

APPROVED ON BEHALF OF THE MEMBERS:

Alvin G. Wong

Director

Robert J. Taylor

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, 2014

	Theodor Kerzner, Q.C. Fund \$	Stuart Thom Fund \$	Peter Oliver Memorial Student Fund \$	John T. Saywell Prize Fund \$	John T. Saywell Endowment \$	Honourable R. Roy McMurtry Legal History Fellowship Fund \$	2014 \$
	Note 2	Note 3	Note 4	Note 5	Note 5	Note 6	
ASSET							
CURRENT							
Cash	-	-	-	159	-	20,145	102,907
Investments	-	142,945	4,832	6,638	25,000	473,350	659,719
Accounts receivable	-	-	-	-	-	-	26,550
Prepaid expenses	-	-	-	-	-	-	1,944
Publication inventory (Note 8)	-	-	-	-	-	-	58,888
	176,939	142,945	4,832	6,797	25,000	493,495	850,008
CAPITAL ASSETS (Note 9)	1,077	-	-	-	-	-	1,077
	178,016	142,945	4,832	6,797	25,000	493,495	851,085
LIABILITIES							
CURRENT							
Accounts payable and accrued liabilities	65,562	-	-	-	-	-	65,562
Deferred revenue	101,508	-	-	-	-	-	101,508
	167,070	-	-	-	-	-	167,070
NET ASSETS	10,946	142,945	4,832	6,797	25,000	493,495	684,015

THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

STATEMENT OF OPERATIONS FOR THE YEAR ENDED DECEMBER 31, 2015

	General	Theodor Kerzner, Q.C. Fund	Stuart Thom Fund	Peter Oliver Memorial Student Fund	John T. Saywell Prize Fund	John T. Saywell Endowment	Honourable R. Roy McMurtry Legal History Fellowship Fund	2015
	\$	\$	\$	\$	\$	\$	\$	\$
REVENUE								
The Law Foundation of Ontario grants (Note 10)	194,600	-	-	-	-	-	-	194,600
Donations	1,046	100,000	-	-	-	-	6,000	107,046
Membership fees	47,636	-	-	-	-	-	-	47,636
Book sales	25,837	-	-	-	-	-	-	25,837
Fundraising	22,500	-	-	-	-	-	-	22,500
Events	15,399	-	-	-	-	-	-	15,399
Investment income	2,397	-	-	-	445	-	6,650	9,492
Other	8,768	-	-	-	-	-	-	8,768
Government grant	7,500	-	-	-	-	-	-	7,500
	325,683	100,000	-	-	445	-	12,650	438,778
EXPENDITURES								
Society programmes								
Publications (Notes 8, 10)	102,937	-	-	-	-	-	-	102,937
Oral history (Note 11)	41,385	-	10,000	-	-	-	-	51,385
Editorial and programme support (Note 11)	31,354	-	-	-	-	-	-	31,354
Grants and awards (Notes 3, 4, 5, 6)	-	-	4,917	245	2,000	-	13,000	20,162
Events	18,312	-	-	-	-	-	-	18,312
Membership and promotion (Note 11)	17,032	-	-	-	-	-	-	17,032
Research support (Note 11)	17,000	-	-	-	-	-	-	17,000
	228,020	-	14,917	245	2,000	-	13,000	258,182
Administration								
Administration (Note 11)	61,697	-	-	-	-	-	-	61,697
Office	36,110	-	-	-	-	-	18	36,128
Professional fees	22,026	-	-	-	-	-	-	22,026
Website	10,315	-	-	-	-	-	-	10,315
Amortization	3,217	-	-	-	-	-	-	3,217
Bad debt	381	-	-	-	-	-	-	381
	133,746	-	-	-	-	-	18	133,764
Total expenditures	361,766	-	14,917	245	2,000	-	13,018	391,946
EXCESS (DEFICIENCY) OF REVENUE OVER EXPENDITURES	(36,083)	100,000	(14,917)	(245)	(1,555)	-	(368)	46,832

SEE ACCOMPANYING NOTES





THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

STATEMENT OF OPERATIONS FOR THE YEAR ENDED DECEMBER 31, 2014

	Theodor Kerzner, Q.C. Fund	Stuart Thom Fund	Peter Oliver Memorial Student Fund	John T. Saywell Prize Fund	John T. Saywell Endowment	Honourable R. Roy McMurtry Legal History Fellowship Fund	2014
	\$	\$	\$	\$	\$	\$	\$
REVENUE							
The Law Foundation of Ontario (Note 10)	571,464	-	-	-	-	-	571,464
Membership fees	47,748	-	-	-	-	-	47,748
Book sales	28,509	-	-	-	-	-	28,509
Fundraising	27,500	-	-	-	-	-	27,500
Investment income	2,986	-	-	465	-	6,417	9,868
Donations	595	-	-	-	-	6,000	6,595
Other	7,834	-	-	-	-	-	7,834
	686,636	-	-	465	-	12,417	699,518
EXPENDITURES							
Society programmes							
Publications (Notes 8, 10)	458,345	-	-	-	-	-	458,345
Oral history (Note 11)	39,780	-	-	-	-	-	39,780
Editorial and programme support (Note 11)	36,686	-	-	-	-	-	36,686
Membership and promotion (Note 11)	17,987	-	-	-	-	-	17,987
Grants and awards (Notes 3, 4, 6)	-	9,697	95	-	-	8,000	17,792
Research support (Note 11)	12,481	-	-	-	-	-	12,481
Events	4,507	-	-	-	-	-	4,507
	569,786	9,697	95	-	-	8,000	587,578
Administration							
Administration (Note 11)	60,398	-	-	-	-	-	60,398
Office	34,472	-	-	-	-	72	34,544
Professional fees	19,531	-	-	-	-	-	19,531
Bad debt	450	-	-	-	-	-	450
Website	-	200	-	-	-	-	200
Amortization	150	-	-	-	-	-	150
	115,001	200	-	-	-	72	115,273
Total expenditures	684,787	9,897	95	-	-	8,072	702,851
EXCESS (DEFICIENCY) OF REVENUE OVER EXPENDITURES	1,849	(9,897)	(95)	465	-	4,345	(3,333)

SEE ACCOMPANYING NOTES

THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

STATEMENT OF CHANGES IN NET ASSETS FOR THE YEAR ENDED DECEMBER 31, 2015

		\$	\$	\$	\$	\$	\$	\$	\$
General	\$	\$	\$	\$	\$	\$	\$	\$	\$
	10,946	-	142,945	4,832	6,797	25,000	493,495	684,015	687,348
Beginning of the year									
Excess (deficiency) of revenue over expenditures	(36,083)	100,000	(14,917)	(245)	(1,555)	-	(368)	46,832	(3,333)
Transfers	36,083	-	(36,083)	-	-	-	-	-	-
End of year	10,946	100,000	91,945	4,587	5,242	25,000	493,127	730,847	684,015

NET ASSETS

SEE ACCOMPANYING NOTES



THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

STATEMENT OF CASH FLOWS

FOR THE YEAR ENDED DECEMBER 31, 2015

	2015 \$	2014 \$
CASH, beginning of the year	762,626	799,898
CASH FLOW FROM OPERATING ACTIVITIES		
Grants	163,231	221,004
Fundraising and donations	123,546	28,095
Membership and book sales	69,978	94,305
Investment income	2,397	2,986
Special projects	(1,227)	(1,564)
John T. Saywell Prize	(1,555)	465
Honourable R. Roy McMurtry Legal History Fellowship	(3,368)	(3,655)
Membership	(21,025)	(21,414)
Oral history	(42,049)	(32,238)
Editorial, programme and research support	(49,434)	(48,266)
Publication	(82,938)	(161,512)
Administrative	(127,050)	(114,392)
	30,506	(36,186)
CASH FLOW FROM INVESTING ACTIVITIES		
Capital asset additions	(14,970)	(1,086)
CASH, end of the year	778,162	762,626
CASH CONSISTS OF:		
Cash	66,503	102,907
Investments, other	711,659	659,719
	778,162	762,626



THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

NOTES TO FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2015

PURPOSE OF THE ORGANIZATION

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

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

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

1. SIGNIFICANT ACCOUNTING POLICIES

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

(a) Fund accounting

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

(b) Investments

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

(c) Publication inventory

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

(d) Capital assets

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

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

(e) Financial instruments

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

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



THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

NOTES TO FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2015

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.

Royalties are recognized as revenue when received or receivable.

(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.



THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

NOTES TO FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2015

3. STUART THOM FUND AND STUART THOM SPECIAL PROJECTS FUND

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

The Society is entitled to use the investment income from The Stuart Thom Fund for its operations. At its discretion, the Board of Directors may allocate investment income and any other amounts, to the Fund. For fiscal 2015, no investment income (2014 - \$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 net assets previously restricted by the Board as part of the Stuart Thom Fund. This fund is to be used for projects that significantly advance the mission of the Society, to a maximum of \$30,000 per annum, at the discretion of the Board of Directors. For ease and efficiency of managing the investments, these funds have been commingled with the Society's investments (see Note 7).

The Society is entitled to use the investment income from The Stuart Thom Special Projects Fund for its operations. At its discretion, the Board of Directors may allocate investment income and any other amounts to the Fund. For fiscal 2015 no investment income (2014 - \$Nil) was allocated to the Stuart Thom Special Projects Fund.

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

	Stuart Thom Fund	Stuart Thom Special Projects Fund	Total
	\$	\$	\$
Net assets, opening	45,277	97,668	142,945
Excess (deficiency) of revenue over expenditures	-	(14,917)	(14,917)
Transfers	(36,083)	-	(36,083)
Net assets, ending	9,194	82,751	91,945

4. PETER OLIVER MEMORIAL STUDENT FUND

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

5. JOHN T. SAYWELL PRIZE FUND

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



THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

NOTES TO FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2015

5. JOHN T. SAYWELL PRIZE FUND, continued

A \$25,000 contribution received in 2008 is subject to externally imposed restrictions stipulating that the resource is to be maintained permanently, the Saywell Endowment Fund. 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.

6. HONOURABLE R. ROY MCMURTRY LEGAL HISTORY FELLOWSHIP FUND

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

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

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

During the year the Directors chose to pay \$13,000 of the \$16,000 award from the McMurtry Fund with the balance of \$3,000 paid from the Thom Fund for Special Projects (see *Note 3*).

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.

7. INVESTMENTS

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

Investments for the General Fund, Theodor Kerzner, Q.C. Fund, Stuart Thom Fund, Stuart Thom Special Projects Fund and Peter Oliver Memorial Student Fund are commingled for ease of management. These investments consist of Guaranteed Investment Certificates, maturing January 20, 2016 and August 22, 2016, earning interest at rates of 1.6% and 0.95%.

Investments of the Saywell Prize Fund consist of a Guaranteed Investment Certificate, maturing August 17, 2017, earning interest at 1.3%.

Investments for the Saywell Endowment Fund consist of a Guaranteed Investment Certificate, maturing August 17, 2017, earning interest at 1.3%.

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

8. PUBLICATION INVENTORY

Included in publication programme costs is a write down of \$27,040 (2014 - \$23,865) required to reflect inventory at the lower of cost and net realizable value.

9. CAPITAL ASSETS

	Cost	Accumulated Amortization	Net 2015	Net 2014
	\$	\$	\$	\$
Office equipment	18,400	5,586	12,814	1,047
Computer equipment	1,880	1,864	16	30
	<u>20,280</u>	<u>7,450</u>	<u>12,830</u>	<u>1,077</u>

THE OSGOODE SOCIETY FOR CANADIAN LEGAL HISTORY

NOTES TO FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2015

10. LAW FOUNDATION OF ONTARIO GRANTS

Included in The Law Foundation of Ontario grants for 2014 is \$380,800 related to funding received for the History of the Ontario Court of Appeal publication.

11. ALLOCATION OF EXPENSES

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

	<u>2015</u>	<u>2014</u>
	\$	\$
Editorial and programme support	31,354	36,686
Administration	61,697	60,398
Membership and promotion	10,854	10,436
Oral history	27,635	26,840
Research support	17,000	10,000
	<u>148,540</u>	<u>144,360</u>

12. COMMITMENTS

The Society fulfills its mandate in part through providing research grants. As at December 31, 2015, the Society has outstanding commitments of \$2,482 (2014 - \$3,110) to be expended on research and related projects.

The 2015 McMurtry Fellowship includes a commitment to pay the second installment of the grant, \$8,000, in 2016.

These amounts have not been recognized as liabilities 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. 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.

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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See page 12.







The Osgoode Society
For Canadian Legal History

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