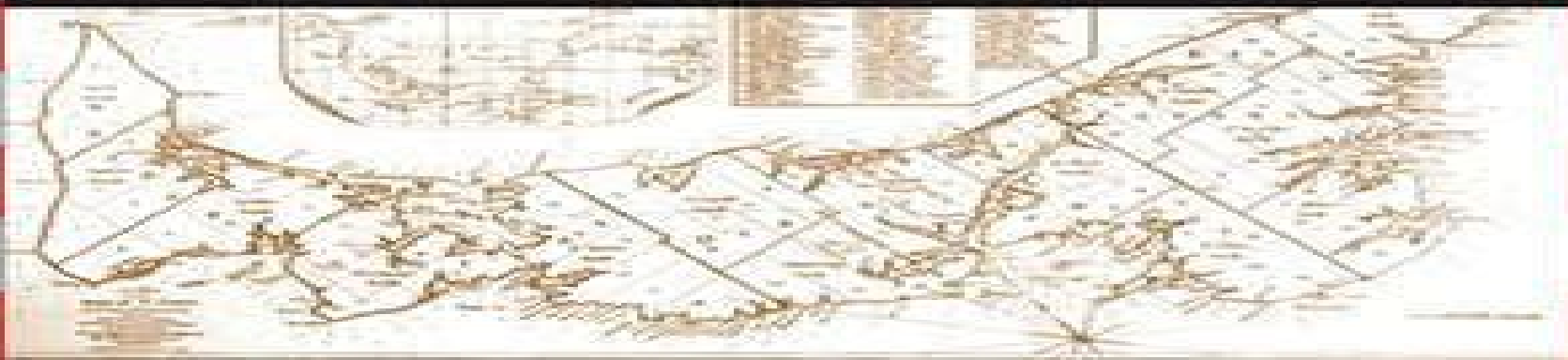




# ESSAYS IN THE HISTORY OF CANADIAN LAW

Two Islands: Newfoundland and Prince Edward Island

EDITED BY CHRISTOPHER ENGLISH



# Essays In The History Of Canadian Law Two Islands Newfoundland And Prince Edward Island

**Lori Chambers,Joan Sangster**



## **Essays In The History Of Canadian Law Two Islands Newfoundland And Prince Edward Island:**

**Essays in the History of Canadian Law** Christopher English, 2005-12-15 The study of Canadian legal history has seen a remarkable growth in the past decade nowhere more so than in Atlantic Canada Given its early settlement and some of the liberties taken with legal procedure there as well as some creative interpretations of English law the region is ripe for close study in the legal history field This new collection examines that history on two islands Newfoundland and Prince Edward Island The essays examine legal themes developments and disputes and offer a framework for comparing ways of administering justice through the courts in the eighteenth and nineteenth centuries The cases examined are particularly interesting for the light they throw on legal process and especially on the motives of the parties Unlike in contemporary England and Upper Canada the English precedents gave way to local needs as equitable regimes emerged that put family and community interests first and treated all members of the family in ways tailored to their personal needs and circumstances This volume which includes a number of essays examining women s legal status and access to the courts is a comprehensive and fascinating examination of legal history in two Canadian provinces [A History of Law in Canada, Volume Two](#) Jim Phillips, Philip Girard, R. Blake Brown, 2022-11-01 This is the second of three volumes in an important collection that recounts the sweeping history of law in Canada The period covered in this volume witnessed both continuity and change in the relationships among law society Indigenous peoples and white settlers The authors explore how law was as important to the building of a new urban industrial nation as it had been to the establishment of colonies of agricultural settlement and resource exploitation The book addresses the most important developments in the seventeenth eighteenth and nineteenth centuries including legal pluralism and the co existence of European and Indigenous law It pays particular attention to the M tis and the Red River Resistance the Indian Act and the origins and expansion of residential schools in Canada The book is divided into four parts the law and legal institutions Indigenous peoples and Dominion law capital labour and criminal justice and those less favoured by the law [A History of Law in Canada](#) examines law as a dynamic process shaped by and affecting other histories over the long term **Essays in the History of Canadian Law** G. Blaine Baker, Donald Fyson, 1981-01-01 The essays in this volume deal with the legal history of the Province of Quebec Upper and Lower Canada and the Province of Canada between the British conquest of 1759 and confederation of the British North America colonies in 1867 The backbone of the modern Canadian provinces of Ontario and Quebec this geographic area was unified politically for more than half of the period under consideration As such four of the papers are set in the geographic cradle of modern Quebec four treat nineteenth century Ontario and the remaining four deal with the St Lawrence and Great Lakes watershed as a whole The authors come from disciplines as diverse as history socio legal studies women s studies and law The majority make substantial use of second language sources in their essays which shade into intellectual history social and family history regulatory history and political history **Essays in the History of Canadian Law** George Blaine

Baker,Donald Fyson,2013-12-06 The essays in this volume deal with the legal history of the Province of Quebec Upper and Lower Canada and the Province of Canada between the British conquest of 1759 and confederation of the British North America colonies in 1867 The backbone of the modern Canadian provinces of Ontario and Quebec this geographic area was unified politically for more than half of the period under consideration As such four of the papers are set in the geographic cradle of modern Quebec four treat nineteenth century Ontario and the remaining four deal with the St Lawrence and Great Lakes watershed as a whole The authors come from disciplines as diverse as history socio legal studies women s studies and law The majority make substantial use of second language sources in their essays which shade into intellectual history social and family history regulatory history and political history      **Essays in the History of Canadian Law** David H.

Flaherty,2011-10-01 This volume is the second in the Essays in the History of Canadian Law series designed to illustrate the wide possibilities for research and writing in Canadian legal history In combination these volumes reflect the wide ranging scope of legal history as an intellectual discipline and encourage others to pursue important avenues of inquiry on all aspects of our legal past Topics include the role of civil courts in Upper Canada legal education political corruption nineteenth century Canadian rape law the Toronto Police Court the Kamloops outlaws and commissions of assize in nineteenth century British Columbia private rights and public purposes in Ontario waterways the origins of workers compensation in Ontario and the evolution of the Ontario courts Contributors include Brendan O'Brien Peter N Oliver William N T Wylie G Blaine Baker Paul Romney Constance B Backhouse Paul Craven Hamar Foster Jamie Bendickson R C B Risk and Margaret A Banks

Essays in the History of Canadian Law Philip Girard,Jim Phillips,2011-12-15 This third volume of Essays in the History of Canadian Law presents thoroughly researched original essays in Nova Scotian legal history An introduction by the editors is followed by ten essays grouped into four main areas of study The first is the legal system as a whole essays in this section discuss the juridical failure of the Annapolis regime present a collective biography of the province's superior court judiciary to 1900 and examine the property rights of married women in the nineteenth century The second section deals with criminal law exploring vagrancy laws in Halifax in the late nineteenth century aspects of prisons and punishments before 1880 and female petty crime in Halifax The third section on family law examines the issues of divorce from 1750 to 1890 and child custody from 1866 to 1910 Finally two essays relate to law and the economy one examines the Mines Arbitration Act of 1888 the other considers the question of private property and public resources in the context of the administrative control of water in Nova Scotia      *Essays in the History of Canadian Law* J. Phillips,R. Roy McMurtry,John T. Saywell,2008-09-18 Written to honour the life and work of the late Peter N Oliver the distinguished historian and editor in chief of the Osgoode Society for Canadian Legal History from 1979-2006 this collection assembles the finest legal scholars to reflect on the issues in and

development of the field of legal history in Canada Covering a broad range of topics this volume examines developments over the last two hundred years in the legal profession and the judiciary nineteenth century prison history as well as the impact of

the 1815 Treaty of Paris The introduction also provides insight into the history of the Osgoode Society and of Oliver s essential role in it along with an illuminating analysis of the Society s publications program which produced sixty six books during his tenure A fitting tribute to one of the foremost legal historians this tenth volume of *Essays in the History of Canadian Law* is a significant contribution to the discipline to which Oliver devoted so much **Essays in the History of Canadian Law, Volume XII** Lori Chambers,Joan Sangster,2023-10-02 Drawing on engaging case studies *Essays in the History of Canadian Law* brings the law to life The contributors to this collection provide rich historical and social context for each case unravelling the process of legal decision making and explaining the impact of the law on the people involved in legal disputes Examining the law not simply as legislation and institutions but as discourse practice symbols rhetoric and language the book s chapters show the law as both oppressive and constraining and as a point of contention and means of resistance This collection presents new approaches and concerns as well as re examinations of existing themes with new evidence and modes of storytelling Contributors cover many legal thematic areas from criminal to labour civil administrative and human rights law spanning English and French Canada and ranging from the mid eighteenth century to the late twentieth century The legal cases vary from precedent setting cases to lesser known ones from those driven by one woman s quest for personal justice to others in which state actors dominate Bringing to light how the people embroiled in these cases interacted with the legal system the book reveals the ramifications of a legal system characterized by multiple layers of inequality *Essays in the History of Canadian Law: Two Islands, Newfoundland and Prince Edward Island* Christopher English,2005-12 The study of Canadian legal history has seen a remarkable growth in the past decade nowhere more so than in Atlantic Canada Given its early settlement and some of the liberties taken with legal procedure there as well as some creative interpretations of English law the region is ripe for close study in the legal history field This new collection examines that history on two islands Newfoundland and Prince Edward Island The essays examine legal themes developments and disputes and offer a framework for comparing ways of administering justice through the courts in the eighteenth and nineteenth centuries The cases examined are particularly interesting for the light they throw on legal process and especially on the motives of the parties Unlike in contemporary England and Upper Canada the English precedents gave way to local needs as equitable regimes emerged that put family and community interests first and treated all members of the family in ways tailored to their personal needs and circumstances This volume which includes a number of essays examining women s legal status and access to the courts is a comprehensive and fascinating examination of legal history in two Canadian provinces *Essays in the History of Canadian Law, Volume X* J. Phillips,R. Roy McMurtry,John T. Saywell,2008-09-18 Covering a broad range of topics this volume examines developments over the last two hundred years in the legal profession and the judiciary nineteenth century prison history as well as the impact of the 1815 Treaty of Paris *The Death Penalty and Sex Murder in Canadian History* Carolyn Strange,2020-10-01 From Confederation to the partial abolition of the death

penalty a century later defendants convicted of sexually motivated killings and sexually violent homicides in Canada were more likely than any other condemned criminals to be executed for their crimes Despite the emergence of psychiatric expertise in criminal trials moral disgust and anger proved more potent in courtrooms the public mind and the hearts of the bureaucrats and politicians responsible for determining the outcome of capital cases Wherever death has been set as the ultimate criminal penalty the poor minority groups and stigmatized peoples have been more likely to be accused convicted and executed Although the vast majority of convicted sex killers were white Canada's racist notions of the Indian mind meant that Indigenous defendants faced the presumption of guilt Black defendants were also subjected to discriminatory treatment including near lynchings In debates about capital punishment abolitionists expressed concern that prejudices and poverty created the prospect of wrongful convictions Unique in the ways it reveals the emotional drivers of capital punishment in delivering inequitable outcomes *The Death Penalty and Sex Murder in Canadian History* provides a thorough overview of sex murder and the death penalty in Canada It serves as an essential history and a richly documented cautionary tale for the present *Canadian State Trials, Volume IV* Barry Wright, Eric Tucker, Susan Binnie, 2015-11-26 The fourth volume in the Canadian State Trials series examines the legal issues surrounding perceived security threats and the repression of dissent from the outset of World War One through the Great Depression War prompted the development of new government powers and raised questions about citizenship and Canadian identity while the ensuing interwar years brought serious economic challenges and unprecedented tensions between labour and capital The chapters in this edited collection written by leading scholars in numerous fields examine the treatment of enemy aliens conscription and courts martial sedition prosecutions during the war and after the Winnipeg General Strike and the application of Criminal Code and Immigration Act laws to Communist Party leaders On to Ottawa Trekkers and minority groups These historical events shed light on contemporary dilemmas What are the limits of dissent in war emergencies and economic crisis What limits should be placed on government responses to real and perceived challenges to its authority **We Shall Persist** Heidi MacDonald, 2023-04-15 Women in Atlantic Canada won the right to vote and to run for office only after long vigorous and exhausting campaigns for the Great Cause *We Shall Persist* explores the distinctive political contexts and common problems faced by advocates for women's suffrage and wider rights in the Maritime provinces and Newfoundland Despite virulent opposition in public and at home most nonindigenous women in the region won enfranchisement in the immediate post First World War era This victory curbed the most blatant political misogyny and prepared the way for other rights such as improved social assistance and access to birth control Yet progress was uneven and even the movement itself was marked by class and racial inequities *We Shall Persist* captures both the long campaign and the years of disappointment Suffrage victories across Atlantic Canada were steps in an unfinished march toward full gender race and class equality Law, Debt, and Merchant Power James Muir, 2016-10-27 In the early history of Halifax 1749-1766 debt litigation was extremely common People from all classes

frequently used litigation and its use in private matters was higher than almost all places in the British Empire in the 18th century In Law Debt and Merchant Power James Muir offers an extensive analysis of the civil cases of the time as well as the reasons behind their frequency Muir s lively and detailed account of the individuals involved in litigation reveals a paradoxical society where debtors were also debt collectors Law Debt and Merchant Power demonstrates how important the law was for people in their business affairs and how they shaped it for their own ends **Petticoats and Prejudice -**

**Women's Press Classics** Constance Backhouse,2015-02-01 Drawing on historical records of women s varying experiences as litigants accused criminals or witnesses this book offers critical insight into women s legal status in nineteenth century Canada In an effort to recover the social and political conditions under which women lobbied rebelled and in some cases influenced change Petticoats and Prejudice weaves together forgotten stories of achievement and defeat in the Canadian legal system Expanding the concept of heroism beyond its traditional limitations this text gives life to some of Canada s lost heroines Euphemia Rabbitt who resisted an attempted rape and Clara Brett Martin who valiantly secured entry into the all male legal profession were admired by their contemporaries for their successful pursuits of justice But Ellen Rogers a prostitute who believed all women should be legally protected against sexual assault and Nellie Armstrong a battered wife and mother who sought child custody were ostracized for their ideas and demands Well aware of the limitations placed upon women advocating for reform in a patriarchal legal system Constance Backhouse recreates vivid and textured snapshots of these and other women s courageous struggles against gender discrimination and oppression Employing social history to illuminate the reproductive sexual racial and occupational inequalities that continue to shape women s encounters with the law Petticoats and Prejudice is an essential entry point into the gendered treatment of feminized bodies in Canadian legal institutions This book was co published with The Osgoode Society for Canadian Legal History [My Life in Crime and Other Academic Adventures](#) Martin L. Friedland,2015-05-27 Since his call to the Bar in 1960 Martin L Friedland has been involved in a number of important public policy issues including bail legal aid gun control securities regulation access to the law judicial independence and accountability and national security My Life in Crime and other Academic Adventures offers a first hand account of the development of these areas of law from the perspective of a man who was heavily involved in their formation and implementation It is also the story of a distinguished academic author and former dean of law at the University of Toronto Moving beyond the boundaries of conventional memoir Friedland offers an extended meditation on public policy issues and significant events in the field of law discussing their historical impact and predicting the course of their future development Given his personal experience there is no other person more suited to discuss these hugely important issues Friedland puts the law and legal institutions into a wider context looking at the role of personalities politics and pressure groups in the establishment of laws that continue to have tremendous importance for Canadians My Life in Crime and other Academic Adventures reflects upon a life devoted to education scholarship and the law and is an insider account of public

policy issues that have come to shape life in this country in the twentieth century and beyond      **Connecting the Dots**

Harry W. Arthurs, 2019-05-23 Harry W Arthurs is a name held in high esteem by labour lawyers and academics throughout the world Although many are familiar with Arthurs s contributions and accomplishments few are acquainted with the man himself or how he came to be one of the most influential figures in Canadian law and legal education In *Connecting the Dots* Arthurs recounts his adventures in academe and the people principles ideas motivations and circumstances that have shaped his thinking and his career The memoir offers intimate recollections and observations beginning with the celebrated ancestors who influenced Arthurs s upbringing and education It then sweeps through his career as an architect of important reforms in legal education and explores his research as a trailblazing commentator on the legal profession Arthurs analyzes his experiences as a legal theorist and historian and his pivotal role as a discordant voice in debates over constitutional and administrative law Along the way he muses on the intellectual projects he embraced or set in motion the institutional reforms he advocated the public policies he recommended and how they fared long term Framed with commentary on the historical context that shaped each decade of his career and punctuated by moments of personal reflection *Connecting the Dots* is a humorous frank and fearless account of the rise and fall of Canadian labour law from the man who was at the centre of it all

**The African Canadian Legal Odyssey** Barrington Walker, 2012-01-01 *The African Canadian Legal Odyssey* explores the history of African Canadians and the law from the era of slavery until the early twenty first century This collection demonstrates that the social history of Blacks in Canada has always been inextricably bound to questions of law and that the role of the law in shaping Black life was often ambiguous and shifted over time Comprised of eleven engaging chapters organized both thematically and chronologically it includes a substantive introduction that provides a synthesis and overview of this complex history This outstanding collection will appeal to both advanced specialists and undergraduate students and makes an important contribution to an emerging field of scholarly inquiry      Viscount Haldane Frederick

Vaughan, 2010-10-02 Viscount Richard Burdon Haldane was a philosopher lawyer British MP and member of the British Cabinet during the First World War He is best known to Canadians as a judge of the Judicial Committee of the Privy Council Canada s highest court of appeal until 1949 in which role he was extremely influential in altering the constitutional relations between the federal parliament and the provincial legislatures Chafing under the British North America Act of 1867 which provided for a strong central government the provincial governments appealed to the Judicial Committee and were successful in gaining greater provincial legislative autonomy through the constitutional interpretations of the law lords In *Viscount Haldane* Frederick Vaughan concentrates on Haldane s role in these rulings arguing that his jurisprudence was shaped by his formal study of German philosophy especially that of G W F Hegel Vaughan s analysis of Haldane s legal philosophy and its impact on the Canadian constitution concludes that his Hegelian legacy is very much alive in today s Supreme Court of Canada and that it continues to shape the constitution and the lives of Canadians since the adoption of the Canadian Charter



of Rights and Freedoms      **A History of Canadian Legal Thought** R. C. B. Risk, Osgoode Society for Canadian Legal History, 2006-01-01 This volume in the Osgoode Society's distinguished series on the history of Canadian law is a collection of the principal essays of Professor Emeritus R C B Risk one of the pioneers of Canadian legal history and for many years regarded as its foremost authority on the history of Canadian legal thought Frank Scott Bora Laskin W P M Kennedy John Willis and Edward Blake are among the better known figures whose thinking and writing about law are featured in this collection But this compilation of the most important essays by a pioneer in Canadian legal history brings to light many other lesser known figures as well whose writings covered a wide range of topics from estoppel to the British North America Act to the purpose of legal education Written over more than two decades and covering the immediate post Confederation period to the 1960s these essays reveal a distinctive Canadian tradition of thinking about the nature and functions of law one which Risk clearly takes pride in and urges us to celebrate

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