

THE SUPREME COURT OF NOVA SCOTIA, 1754 - 2004

From Imperial Barrons to Provincial Oracle



EDITED BY
PHILIP GERARD, JIM PHILLIPS & BARRY CAHILL

The Supreme Court Of Nova Scotia 1754 2004 The Supreme Court Of Nova Scotia 1754 2004

Heidi Bohaker



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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 *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

Tracings of Gerald Le Dain's Life in the Law G. Blaine Baker, Richard Janda, 2019-05-30 Gerald Le Dain 1924 2007 was appointed to the Supreme Court of Canada in 1984 This collectively written biography traces fifty years of his steady creative and conciliatory involvement with military service the legal academy legislative reform university administration and judicial decision making This book assembles contributions from the in house historian of the law firm where Le Dain first practised from students and colleagues in the law schools where he taught from a research associate in his Commission of Inquiry into the non medical use of drugs from two of his successors on the Federal Court of Appeal and from three judicial clerks to Le Dain at the Supreme Court of Canada Also reproduced here is a transcript of a recent CBC documentary about his 1988 forced resignation from the Supreme Court following a short term depressive illness with commentary from Le Dain's family and co workers Gerald Le Dain was a tireless worker and a highly respected judge In a series of essays that cover the different periods and dimensions of his career *Tracings of Gerald Le Dain's Life in the Law* is an important and compassionate account of one man's commitment to the law in Canada Contributors include Harry W Arthurs G Blaine Baker Bonnie Brown Rosemary Cairns Way John M Evans Melvyn Green Bernard J Hibbitts Peter W Hogg Richard A Janda C Ian Kyer Andree Lajoie Gerald E Le Dain Allen M Linden Roderick A Macdonald Louise Rolland and Stephen A Scott

Canada and the British Empire Phillip Alfred Buckner, 2008 *Canada and the British Empire* traces the history of Canada within the wider context of British imperialism Exploring themes such as migration gender imperial law and aboriginal experiences it sheds new light on the creation of

Canada and the country's critical role in the evolution of the Empire *Bora Laskin* Philip Girard, 2015-01-15 In any account of twentieth century Canadian law Bora Laskin 1912-1984 looms large Born in northern Ontario to Russian Jewish immigrant parents Laskin became a prominent human rights activist university professor and labour arbitrator before embarking on his accidental career as a judge on the Ontario Court of Appeal 1965 and later Chief Justice of Canada 1973-1984 Throughout his professional career he used the law to make Canada a better place for workers racial and ethnic minorities and the disadvantaged As a judge he sought to make the judiciary more responsive to modern Canadian expectations of justice and fundamental rights In *Bora Laskin Bringing Law to Life* Philip Girard chronicles the life of a man who at all points of his life was a fighter for a better Canada he fought antisemitism corporate capital omnipotent university boards the Law Society of Upper Canada and his own judicial colleagues in an effort to modernize institutions and re-shape Canadian law Girard exploits a wealth of previously untapped archival sources to provide in vivid detail a critical assessment of a restless man on an important mission

Putting Trials on Trial Elaine Craig, 2018-02-16 Less than one percent of the sexual assaults that occur each year in Canada result in legal sanction for those who commit these offences Survivors often distrust and fear the criminal justice process and as a result over ninety percent of sexual assaults go unreported Unfortunately their fears are well founded In this thorough evaluation of the legal culture and courtroom practices prevalent in sexual assault prosecutions Elaine Craig provides an even handed account of the ways in which the legal profession unnecessarily and sometimes unlawfully contributes to the trauma and re-victimization experienced by those who testify as sexual assault complainants Gathering conclusive evidence from interviews with experienced lawyers across Canada reported case law lawyer memoirs recent trial transcripts and defence lawyers public statements and commercial advertisements *Putting Trials on Trial* demonstrates that despite prominent contestations complainants are regularly subjected to abusive humiliating and discriminatory treatment when they turn to the law to respond to sexual violations In pursuit of trial practices that are less harmful to sexual assault complainants as well as survivors of sexual violence more broadly *Putting Trials on Trial* makes serious substantiated and necessary claims about the ethical and cultural failures of the Canadian legal profession

The Arts and the Legal Academy Zenon Bankowski, Maksymilian Del Mar, Paul Maharg, 2016-04-01 In Western culture law is dominated by textual representation Lawyers academics and law students live and work in a textual world where the written word is law and law is interpreted largely within written and printed discourse Is it possible however to understand and learn law differently Could modes of knowing feeling memory and expectation commonly present in the Arts enable a deeper understanding of law's discourse and practice If so how might that work for students lawyers and academics in the classroom and in continuing professional development Bringing together scholars legal practitioners internationally from the fields of legal education legal theory theatre architecture visual and movement arts this book is evidence of how the Arts can powerfully revitalize the theory and practice of legal education Through discussion of theory and practice in the humanities

and Arts linked to practical examples of radical interventions the chapters reveal how the Arts can transform educational practice and our view of its place in legal practice Available in enhanced electronic format the book complements *The Moral Imagination and the Legal Life* also published by Ashgate *Dewigged, Bothered, and Bewildered* John McLaren, 2011-10-22 Throughout the British colonies in the nineteenth century judges were expected not only to administer law and justice but also to play a significant role within the governance of their jurisdictions British authorities were consequently concerned about judges loyalty to the Crown and on occasion removed or suspended those who were found politically subversive or personally difficult Even reasonable and well balanced judges were sometimes threatened with removal Using the career histories of judges who challenged the system *Dewigged Bothered and Bewildered* illuminates issues of judicial tenure accountability and independence throughout the British Empire John McLaren closely examines cases of judges across a wide geographic spectrum from Australia to the Caribbean and from Canada to Sierra Leone who faced disciplinary action These riveting stories provide helpful insights into the tenuous position of the colonial judiciary and the precarious state of politics in a variety of British colonies *Honorary Protestants* David Fraser, The Osgoode Society, 2015-11-26 When the Constitution Act of 1867 was enacted section 93 guaranteed certain educational rights to Catholics and Protestants in Quebec but not to any others Over the course of the next century the Jewish community in Montreal carved out an often tenuous arrangement for public schooling as honorary Protestants based on complex negotiations with the Protestant and Catholic school boards the provincial government and individual municipalities In the face of the constitution s exclusionary language all parties gave their compromise a legal form which was frankly unconstitutional but unavoidable if Jewish children were to have access to public schools Bargaining in the shadow of the law they made their own constitution long before the formal constitutional amendment of 1997 finally put an end to the issue In *Honorary Protestants* David Fraser presents the first legal history of the Jewish school question in Montreal Based on extensive archival research it highlights the complex evolution of concepts of rights citizenship and identity negotiated outside the strict legal boundaries of the constitution **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 *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 *Reckoning with Racism* Constance Backhouse, 2022-11-22 In 1997 complacency about the racial neutrality of a predominantly white judiciary was shattered as the Supreme Court of Canada considered a complaint of judicial racial bias for the first time The judge in question was Corrine Sparks the country's first Black female judge *Reckoning with Racism* considers the RDS case A white Halifax police officer had arrested a Black teenager placed him in a choke hold and charged him with assaulting an officer and obstructing arrest In acquitting the teen Judge Sparks remarked that police sometimes overreacted when dealing with non white youth The acquittal held but most of the white appeal judges critiqued her comments based on the tradition that the legal system was non racist unless proven otherwise That became a matter of wide debate This book assesses the case of alleged anti white judicial bias the surrounding excitement the dramatic effects on those involved and the significance for the Canadian legal system *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*** 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 *Three Plays of Maureen Hunter*

Hunter, Maureen, 2003 Book is clean and tight No writing in text Like New *Liberalism and Hegemony* Michel

Ducharme, Jean-François Constant, 2009-01-01 The essays collected here explore the possibilities and limits presented by The Liberal Order Framework for various segments of Canadian history and within them the paramount influence of liberalism throughout the nineteenth and twentieth centuries is debated in various contexts **The Court of Queen's Bench of**

Manitoba, 1870-1950 Dale Brawn, Osgoode Society for Canadian Legal History, 2006-01-01 This study of the Manitoba judiciary is not only the first biographical history to examine an entire provincial bench it is also one of the first studies to offer an internal view of the political nature of the judicial appointment process Dale Brawn has penned the biographies of the first thirty three men appointed to Manitoba s Court of Queen s Bench The relative youth of Manitoba as a province and the small size of its legal profession makes possible an exceptionally detailed investigation of the background of those appointed to the province s highest trial court The biographical data that Brawn has collected for this book highlights the extent to which judicial candidates underwent a socialization process designed to produce a legal elite whose members shared remarkably similar views and ways of thinking In addition these biographies suggest that until at least 1950 seats on provincial benches were rewards for political services rendered Many lawyers became judges not because of their legal ability but because they had made themselves known in the communities in which they practiced This fascinating study offers an intimate look at personalities ranging from prime ministers to members of the bench and both senior levels of government

Doodem and Council Fire Heidi Bohaker, 2021-07-20 Providing rare insights into the doodem tradition and the concept of council fires this book explores Indigenous law and the Anishinaabe s holistic approach to governance territoriality family and kinship structures 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 *An Exceptional Law* Dennis G.

Molinaro, 2017-01-01 An Exceptional Law showcases how the emergency law used to repress labour activism during the First World War became normalized with the creation of Section 98 of the Criminal Code following the Winnipeg General Strike

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