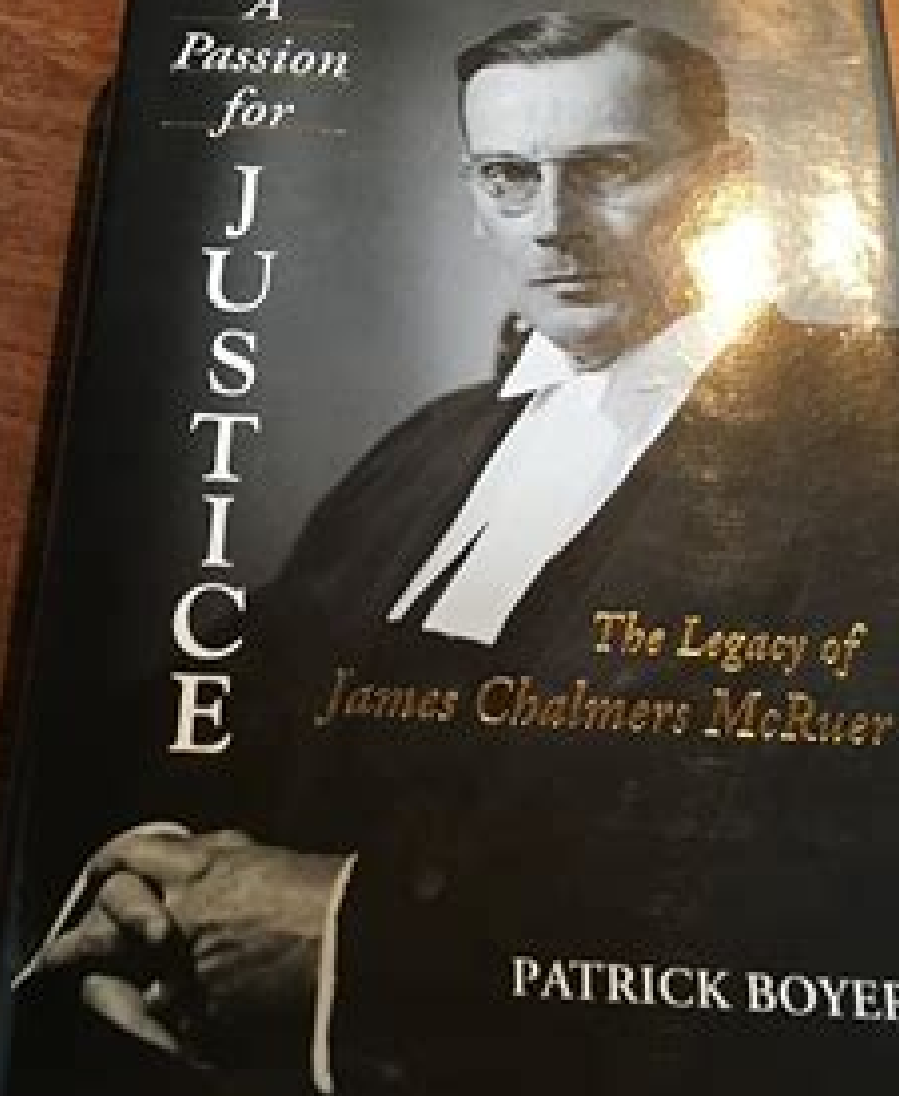


*A
Passion
for*

JUSTICE

*The Legacy of
James Chalmers McRuer*

PATRICK BOYER



Passion For Justice The Legacy Of James Chalmers Mcruer

Judy Fudge, Eric Tucker



Passion For Justice The Legacy Of James Chalmers Mccrue:

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. They 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.

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.

'Terror to Evil-doers' Peter Oliver, Osgoode Society for Canadian Legal History, 1998-01-01 The history of the foundations of modern carceral institutions in Ontario. Drawing on a wide range of previously unexplored primary material, Oliver provides a narrative and interpretative account of the penal system in 19th century Ontario.

The Conventional Man Robert Alexander Harrison, Osgoode Society for Canadian Legal History, 2003-01-01 Although unusual in his driving ambitions and his consuming need to

accumulate a fortune Harrison remained in most respects thoroughly conventional and Victorian and his diary offers unrivalled insights into the voice of the mid nineteenth century Toronto male **Aggressive in Pursuit** Frederick Vaughan, Osgoode Society for Canadian Legal History, 2004-01-01 Few people have had a greater impact on the lives of Canadians than the late Supreme Court judge Justice Emmett Hall At the forefront of several important judgements in the 1960s and 70s such as Truscott and Calder Hall is perhaps best known for his role in the adoption of universal health care at the federal level in 1968 Based on extensive interviews with Hall and people who knew him Frederick Vaughan's *Aggressive in Pursuit* tells Hall's remarkable story Born in Quebec in 1898 and raised in Saskatchewan Hall had a long and distinguished career as a lawyer In 1957 former law school classmate Prime Minister John Diefenbaker appointed Hall to the Saskatchewan Court of Queen's Bench and four years later to the office of Chief Justice of Saskatchewan In 1963 Diefenbaker elevated Hall to the Supreme Court of Canada where he took up the task of universal health care and showed himself to be an aggressive defender of native causes *Aggressive in Pursuit* traces Hall's career from his earliest days of private practice in Saskatchewan to the end of his career and death in 1994 It shows how one prairie lawyer made a difference in the life of Canada *Magistrates, Police and People* Donald Fyson, Osgoode Society for Canadian Legal History, 2006-01-01 Based on extensive research in judicial and official sources Donald Fyson offers the first comprehensive study of the everyday workings of criminal justice in Quebec and Lower Canada Focusing on the justices of the peace and their police Fyson examines both the criminal justice system itself and the system in operation as experienced by those who participated in it Fyson contends that although the system was fundamentally biased its flexibility provided a source of power for ordinary citizens At the same time the system offered the colonial state and its elites a powerful though often faulty means of imposing their will on Quebec society This study will challenge many received historical interpretations providing new insight into criminal justice in early Quebec *Labour Before the Law* Judy Fudge, Eric Tucker, 2004-01-01 In this groundbreaking study of the relations between workers and the state Judy Fudge and Eric Tucker examine the legal regulation of workers collective action from 1900 to 1948 They analyze the strikes violent confrontations lockouts union organizing drives legislative initiatives and major judicial decisions that transformed the labour relations regime of liberal voluntarism which prevailed in the later part of the nineteenth century into industrial voluntarism whose centrepiece was Mackenzie King's Industrial Disputes Investigation Act of 1907 This period was marked by coercion and compromise as workers organized and fought to extend their rights against the profit oriented owners of capital while the state struggled to define a labour regime that contained industrial conflict The authors then trace the conflicts that eventually produced the industrial pluralism that Canadians have known in more recent years By 1948 a detailed set of legal rules and procedures had evolved and achieved a hegemonic status that no prior legal regime had even approached This regime has become so central to our everyday thinking about labour relations that one might be forgiven for thinking that everything that came

earlier was truly before the law But as Labour Before the Law demonstrates workers who acted collectively prior to 1948 often found themselves before the law whether appearing before a magistrate charged with causing a disturbance facing a superior court judge to oppose an injunction or in front of a board appointed pursuant to a statutory scheme that was investigating a labour dispute and making recommendations for its resolution The book is simultaneously a history of law aspects of the state trade unions and labouring people and their interaction within the broad and shifting terrain of political economy The authors are attentive to regional differences and sectoral divergences and they attempt to address the fragmentation of class experience

The Laws and the Land Daniel Rück,2021-09-15 As the settler state of Canada expanded into Indigenous lands settlers dispossessed Indigenous people and undermined their sovereignty as nations One site of invasion was Kahnaw ke a Kanien keh ka community and part of the Rotinonhsi nni confederacy The Laws and the Land delineates the establishment of a settler colonial relationship from early contact ways of sharing land land practices under Kahnaw ke law the establishment of modern Kahnaw ke in the context of French imperial claims intensifying colonial invasions under British rule and ultimately the Canadian invasion in the guise of the Indian Act private property and coercive pressure to assimilate What Daniel R ck describes is an invasion spearheaded by bureaucrats Indian agents politicians surveyors and entrepreneurs This original meticulously researched book is deeply connected to larger issues of human relations with environments communal and individual ways of relating to land legal pluralism historical racism and inequality and Indigenous resurgence

The Lawmakers John T. Saywell,2002-01-01 Comprehensive ambitious and detailed The Lawmakers will be the definitive work on the evolution of the law of Canadian federalism

The Lazier Murder Robert J. Sharpe,2012-10-26 In December 1883 Peter Lazier was shot in the heart during a bungled robbery at a Prince Edward County farmhouse Three local men pleading innocence from start to finish were arrested and charged with his murder Two of them Joseph Thomset and David Lowder were sentenced to death by a jury of local citizens the following May Nevertheless appalled community members believed at least one of them to be innocent even pleading with prime minister John A Macdonald to spare them from the gallows The Lazier Murder explores a community s response to a crime as well as the realization that it may have contributed to a miscarriage of justice Robert J Sharpe reconstructs and contextualizes the case using archival and contemporary newspaper accounts The Lazier Murder provides an insightful look at the changing pattern of criminal justice in nineteenth century Canada and the enduring problem of wrongful convictions

Race on Trial Barrington Walker,2011-07-01 While slavery in Canada was abolished in 1834 discrimination remained Race on Trial contrasts formal legal equality with pervasive patterns of social legal and attitudinal inequality in Ontario by documenting the history of black Ontarians who appeared before the criminal courts from the mid nineteenth to the mid twentieth centuries Using capital case files and the assize records for Kent and Essex counties areas that had significant black populations because they were termini for the Underground Railroad Barrington Walker investigates the limits of freedom

for Ontario's African Canadians Through court transcripts depositions jail records Judge's Bench Books newspapers and government correspondence Walker identifies trends in charges and convictions in the Black population This exploration of the complex and often contradictory web of racial attitudes and the values of white legal elites not only exposes how blackness was articulated in Canadian law but also offers a rare glimpse of black life as experienced in Canada's past

The Heiress vs the Establishment Constance Backhouse, Nancy L. Backhouse, 2005-01-31 In 1922 Elizabeth Bethune Campbell a Toronto born socialite unearthed what she initially thought was an unsigned copy of her mother's will designating her as the primary beneficiary of the estate The discovery snowballed into a fourteen year battle with the Ontario legal establishment as Mrs Campbell attempted to prove that her uncle a prominent member of Ontario's legal circle had stolen funds from her mother's estate In 1930 she argued her case before the Law Lords of the Privy Council in London A non lawyer and Canadian with no formal education or legal training Campbell was the first woman to ever appear before them She won Reprinted here in its entirety Campbell's self published account of her campaign Where Angels Fear to Tread is an eloquent first person view of intrigue and overlapping spheres of influence in the early twentieth century legal system Constance Backhouse and Nancy Backhouse provide extensive commentary and annotations to illuminate the context and pick up the narrative where Campbell's book leaves off Vibrantly written this is an enthralling read Not only a fascinating social and legal history it's also a very good story

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 Rule of the Admirals Jerry Bannister, Osgoode Society for Canadian Legal History, 2003-01-01 Jerry Bannister's The Rule of the Admirals examines governance in Newfoundland from the rule of the fishing admirals in 1699 to the establishment of representative government in 1832 It offers the first in depth account of the rise and fall of the system of naval government that dominated the island for

more than a century In this provocative look at legal culture in eighteenth and nineteenth century Newfoundland Bannister explores three topics in detail naval government in St John s surrogate courts in the outports and patterns in the administration of law He challenges the conventional view that early Newfoundland was a lawless frontier isolated from the rest of the Atlantic world and argues that an effective system of naval government emerged to meet the needs of those in power An original and perceptive work Bannister s argument demands that we reconsider much of our knowledge of early Newfoundland history As he re examines governance prior to an elected assembly and places his analysis firmly within the material conditions of Newfoundland society Bannister provides a groundbreaking reinterpretation of a critical period in the island s colonial development Ultimately *The Rule of the Admirals* sheds light on one of the most misunderstood chapters in Canadian and British colonial history *Courted and Abandoned* Patrick Brode, Osgoode Society for Canadian Legal History, 2002-01-01 Patrick Brode examines the history of the heartbalm torts in nineteenth century Canada breaches of duty leading to liability for damages for seduction breach of promise of marriage and criminal conversation *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 **White Man's Law** Sidney L. Harring, 1998-01-01 In this sweeping re investigation of Canadian legal history Harring shows that Canada has historically dispossessed Aboriginal peoples of even the most basic civil rights **Canadian State Trials: Rebellion and invasion in the Canadas, 1837-1839** Osgoode Society for Canadian Legal History, 1996-01-01 And incompetent justice Legal responses to the 1885 Crisis North West Rebellions Bob Beal and B Wright Another look at the Riel Trial for Treason Louis Riel J M Bumstead The White Man governs The 1885 Indian trials Indians First Nation Aboriginal or Native peoples Bill Waiser Securing the dominion High handed impolite and empire breaking actions radicalism anti imperialism and political policing in Canada 1860-1914 Andrew Parnaby Gregory S Kealey with Kirk Niergarth Codification public order and the security provisions of the Canadian Criminal Code 1892 Desmond H Brown B Wright Appendices Sir John A Macdonald Fonds Archival Sources in Canada for Riel s Rebellion *Judging Bertha Wilson* Ellen Anderson, 2002-01-01 Madame Justice Bertha Wilson the first woman appointed to the

Supreme Court of Canada is an enormously influential and controversial figure in Canadian legal and political history This engaging authorized intellectual biography draws on interviews conducted under the auspices of the Osgoode Society for Legal History held in Scotland and Canada with Madame Justice Wilson as well as with her friends relatives and colleagues The biography traces Wilson s story from her birth in Scotland in 1923 to the present Wilson s contributions to the areas of human rights law and equality jurisprudence are many and well known Lesser known are her early days in Scotland and her work as a minister s wife or her post judicial work on gender equality for the Canadian Bar Association and her contributions to the Royal Commission on Aboriginal Peoples Through a scrupulous survey of Wilson s judgements memos and academic writings many as yet unpublished Ellen Anderson shows how Wilson s life and the law were seamlessly integrated in her persistent commitment to a stance of principled contextuality This stance has had an enduring effect on the evolution of Canadian law and cultural history Supported with the warmth and generosity of Wilson s numerous personal anecdotes this work illuminates the life and thought of a woman who has left an extraordinary mark on Canada s legal landscape

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

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Table of Contents Passion For Justice The Legacy Of James Chalmers Mcruer

1. Understanding the eBook Passion For Justice The Legacy Of James Chalmers Mcruer
 - The Rise of Digital Reading Passion For Justice The Legacy Of James Chalmers Mcruer
 - Advantages of eBooks Over Traditional Books
2. Identifying Passion For Justice The Legacy Of James Chalmers Mcruer
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Passion For Justice The Legacy Of James Chalmers Mcruer
 - User-Friendly Interface
4. Exploring eBook Recommendations from Passion For Justice The Legacy Of James Chalmers Mcruer
 - Personalized Recommendations
 - Passion For Justice The Legacy Of James Chalmers Mcruer User Reviews and Ratings
 - Passion For Justice The Legacy Of James Chalmers Mcruer and Bestseller Lists
5. Accessing Passion For Justice The Legacy Of James Chalmers Mcruer Free and Paid eBooks
 - Passion For Justice The Legacy Of James Chalmers Mcruer Public Domain eBooks
 - Passion For Justice The Legacy Of James Chalmers Mcruer eBook Subscription Services
 - Passion For Justice The Legacy Of James Chalmers Mcruer Budget-Friendly Options

6. Navigating Passion For Justice The Legacy Of James Chalmers Mcruer eBook Formats
 - ePub, PDF, MOBI, and More
 - Passion For Justice The Legacy Of James Chalmers Mcruer Compatibility with Devices
 - Passion For Justice The Legacy Of James Chalmers Mcruer Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Passion For Justice The Legacy Of James Chalmers Mcruer
 - Highlighting and Note-Taking Passion For Justice The Legacy Of James Chalmers Mcruer
 - Interactive Elements Passion For Justice The Legacy Of James Chalmers Mcruer
8. Staying Engaged with Passion For Justice The Legacy Of James Chalmers Mcruer
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Passion For Justice The Legacy Of James Chalmers Mcruer
9. Balancing eBooks and Physical Books Passion For Justice The Legacy Of James Chalmers Mcruer
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Passion For Justice The Legacy Of James Chalmers Mcruer
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Passion For Justice The Legacy Of James Chalmers Mcruer
 - Setting Reading Goals Passion For Justice The Legacy Of James Chalmers Mcruer
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Passion For Justice The Legacy Of James Chalmers Mcruer
 - Fact-Checking eBook Content of Passion For Justice The Legacy Of James Chalmers Mcruer
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements

- Interactive and Gamified eBooks

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