

Sir John Beverley  
Robinson: Bone and  
Sinew of the Compact  
(Publications of the  
Osgoode Society)

Brode, Patrick

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# Sir John Beverley Robinson Bone And Sinew Of The Compact

**Jonathan Swainger**



## **Sir John Beverley Robinson Bone And Sinew Of The Compact:**

**Sir John Beverley Robinson** Patrick Brode, 1984-12-15 John Beverley Robinson 1791-1863 was one of Upper Canada's foremost jurists a dominating influence on the ruling elite and a leading citizen of nineteenth century Toronto who owned a vast tract of land on which Osgoode Hall now stands The loyalists had founded a colony firm in its devotion to the Crown with little room for dissent As a true loyalist son educated by John Strachan Robinson attempted to steer Upper Canada toward emulation of what he perceived to be Britain's ideal aristocratic society As a young ensign in the York militia he defended his sovereign at Queenston Heights and as acting attorney general he prosecuted traitors who threatened to undermine the colony Later as attorney general and de facto leader of the assembly during the 1820s he tried to mould the government to the British form But factors he never understood the influence of American democracy and liberalism in the Colonial Office ensured that Upper Canada would never be a new Albion Robinson was appointed chief justice in 1829 and his judicial career spanned thirty three years during which he insisted the courts were subservient to the legislature and established precedents declaring their role should be limited to the enforcement of existing laws with no independent creative function His long service on the bench represented both a preservation and a strengthening of the British tradition in Canadian law In this biography early Toronto comes alive through the eyes of a powerful man firm in his beliefs attractive to women respected by his fellows who sought to mould society to his own ideals For historians lawyers and students of jurisprudence who seek an understanding of the roots of legal practice in nineteenth century Ontario it is essential reading Electronic Format Disclaimer Image of The Three Robinson Sisters Emily Augusta and Louisa by George Theodore Berthon 1846 on page XV removed at the request of the rights holder Sir John Beverley Robinson Patrick Brode, 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 Patterns of the Past Roger Hall, William Westfall, Laurel Sefton MacDowell, 1996-07-25 Patterns of the Past has been published to commemorate the one hundredth anniversary of the founding of the Ontario Historical Society Organized on 4 Sept 1888 as the Pioneer Association of Ontario the Society adopted its current name in 1898 Its objectives for a century have been to promote and develop the study of Ontario's past The purpose of this book is both to commemorate and to carry on that worthy tradition Introduced by Ian Wilson Archivist of Ontario and edited by Roger Hall William Westfall and Laurel Sefton MacDowell this distinctive volume is a landmark not only in the Society's history but in the province's historiography Eighteen scholars have pooled their talents to fashion a volume of fresh interpretive essays that chronicle and analyze the whole scope of Ontario's rich and varied past New light is thrown on our understanding of early native peoples rural life in Upper Canada the opening of the North the impact of railways and the growth of businesses and institutions And there is much social study here too especially of the new roles for women in industrial society of working class experience of ethnic groups and of children in our society's past As

well there are innovative treatments of the conservation movement of science's role in provincial society and of the relationship between society and culture in small towns Anyone with an interest in the history of Canada's most populous province will find much in this comprehensive collection *Idea of Loyalty in Upper Canada, 1784-1850* David Mills, 1988-10-01 Tory loyalty in addition to demanding unquestioning adherence to the imperial connection was exclusive It was used both to distinguish Loyalists from the American late comers and to differentiate supporters of the political status quo from opponents of the administration Tories and Reformers attached different qualities to loyalty Although the Tories framed the political debate a moderate Reform conception developed in response The importance of loyalty was unchallenged by moderate Reformers but they wished to redefine it in ways that would legitimize their own political goals They appealed to British political traditions that emphasized the idea of individual dissent based on constitutional rights and the necessary independence of legislators threatened by the use of prerogative power as well as the corruption of the executive By the 1830s the polarization of politics seemed to offer only two choices loyalty or disloyalty This transitional period led to the emergence of moderate and accommodative Toryism as a response to the exclusiveness of the Family Compact Moderate Toryism developed because other groups who were not prepared to give up their political and social exclusion had been drawn into the debate The moderate Reformers survived through the 1840s and entered the administration Tories also prospered through adoption of the Reform position permitting new groups to enter the High Tory elite The result was the formation of a conservative consensus which dominated Upper Canada whose conservatism lay in a new definition of loyalty which had evolved through the initiatives of moderate Reformers *Essays in the History of Canadian Law* Susan Lewthwaite, Tina Loo, Jim Phillips, 1994-12-15 This fifth volume in the distinguished series on the history of Canadian law turns to the important issues of crime and criminal justice In examining crime and criminal law specifically the volume contributes to the long standing concern of Canadian historians with law order and authority The volume covers criminal justice history at various times in British Columbia Ontario Quebec and the Maritimes It is a study which opens up greater vistas of understanding to all those interested in the interstices of law crime and punishment **The Origins of Canadian and American Political Differences** Jason Kaufman, 2009-02-16 Why do the United States and Canada have such divergent political cultures when they share one of the closest economic and cultural relationships in the world Kaufman examines the North American political landscape to draw out the essential historical factors that underlie the countries differences *Canada's Origins* Janet Ajzenstat, Peter J. Smith, 1995 Ajzenstat and Smith challenge the idea of Canada as a country whose liberal individualism unlike that of the United States is redeemed by a tradition of government intervention in economic and social life the so called tory touch This ground breaking book begins with the now classic article in which the red tory view was formulated It then presents a new and illuminating picture of Canadian political life in which liberal individualism confronts not toryism but the participatory tradition of civic republicanism In the final section the two

editors one a liberal the other a civic republican debate the crucial questions dominating Canadian politics today including Quebec's search for recognition from the perspective of their shared understanding of Canada's founding Memoirs and Reflections Roy McMurtry, 2013-01-01 From the Kid on the Varsity Blues football team to the Chief at Osgoode Hall R Roy McMurtry has had a remarkably varied and influential career As reformist attorney general of Ontario one of the architects of the agreement that brought about the patriation of the Canadian Constitution high commissioner to the United Kingdom and chief justice of Ontario he made a large and enduring contribution to Canadian law politics and life These memoirs cover all these facets of his remarkable career as well as his law practice his work on various commissions of inquiry and his reflections on family sport and art This volume is both an account of his life in public service and a portrait of a humane humorous still optimistic and always decent man *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 *This Great National Object* Roberta M. Styran, Robert Taylor, 2012-03-22 Making extensive use of the National Archives and the Archives of Ontario Styran and Taylor unveil previously unpublished information about the construction of the canals including technical plans and drawings from a wide variety of sources They illustrate the technical and management intricacies of building a navigational trade and commerce lifeline while also revealing the vivid characters from businessman William Hamilton Merritt to engineer John Page who inspired the project and drove it to completion The history of the Welland Canals is a gripping tale of epic proportions Given the ongoing

importance of the Great Lakes in the North American economy interest in the St Lawrence Seaway of which the Welland is the Great Swivel Link and the relevance of labour history This Great National Object will be of interest to enthusiasts and historians alike *Elizabeth Postuma Simcoe, 1762-1850* Mary Beacock Fryer, 1989 The diaries letters and sketches of Elizabeth Simcoe are drawn upon as sources in this portrayal of the energetic and remarkable woman who came to Upper Canada with her husband when he was appointed lieutenant governor *The Capacity To Judge* Jeffrey L. McNairn, 2016-09-01 By the mid nineteenth century public opinion emerged as a new form of authority in Upper Canada Contemporaries came to believe that the best answer to common questions arose from deliberation among private individuals Older conceptions of government sociability and the relationship between knowledge and power were jettisoned for a new image of Upper Canada as a deliberative democracy The Capacity to Judge asks what made widespread public debate about common issues possible why it came to be seen as desirable even essential and how it was integrated into Upper Canada's constitutional and social self image Drawing on an international body of literature indebted to Jürgen Habermas and based on extensive research in period newspapers Jeffrey L. McNairn argues that voluntary associations and the press created a reading public capable of reasoning on matters of state and that the dynamics of political conflict invested that public with final authority He traces how contemporaries grappled with the consequences as they scrutinized parliamentary republican and radical options for institutionalizing public opinion The Capacity to Judge concludes with a case study of deliberative democracy in action that serves as a sustained defense of the type of intellectual history the book as a whole exemplifies

### **The Canadian Department of Justice and the Completion of Confederation 1867-78** Jonathan

Swainger, 2011-11-01 The federal Department of Justice was established by John A. Macdonald as part of the Conservative party's program for reform of the parliamentary system following Confederation Among other things it was charged with establishing national institutions such as the Supreme Court and the North West Mounted Police and with centralizing the penitentiary system In the process the department took on a position of primary importance in post Confederation politics This was particularly so up to 1878 when Confederation was completed Jonathan Swainger considers the growth and development of the ostensibly apolitical Department of Justice in the eleven years after the union of 1867 Drawing on legal records and other archival documents he details the complex interactions between law and politics exploring how expectations both inside and outside the legal system created an environment in which the department acted as an advisor to the government He concludes by considering the post 1878 legacy of the department's approach to governance wherein any problem legal or otherwise was made amenable to politicized solutions Unfortunately for the department and the federal government this left them ill prepared for the constitutional battles to come One crucial task was to establish responsibilities within the federal government rather than just duplicate offices which had existed prior to union Others were the establishment of national or quasi national institutions such as the Supreme Court 1875 and the North West Mounted Police

1873 the redrafting of the Governor General's instructions which was done between 1875 and 1877 and centralization of the penitentiary system completed by 1875. The Department benefited from a deeply rooted expectation that law was both apolitical and necessary. This ideology functioned in a variety of ways: it gave the Department considerable latitude for setting policy and solving problems but rationalized the appearance of politicized legal decisions. It also legitimized Department officials' claim that it was especially suited to review all legislation, advise on the royal prerogative of mercy, administer national penitentiaries and appoint judges to the bench. Ultimately the fictional notion of law as apolitical and necessary placed the Department of Justice squarely in the midst of the completion of Confederation. The Canadian Department of Justice and the Completion of Confederation will be of particular interest to students and scholars of Canadian legal and political history.

*'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.

Colonial Justice David Murray, 2002-01-01. This new study of early Canadian law delves into the court records of the Niagara District, one of the richest sets of records surviving from Upper Canada, to analyze the criminal justice system in the district during the first half of the 19th century.

Canadian Federalist Experiment Frederick Vaughan, 2003-05-12. He then argues that Trudeau's 1982 Charter quietly undermined the monarchic character of the constitution by introducing republican principles of government. The result has been old institutional structures at odds with the republican ambitions, leaving Canada clinging to the wreckage of the old aristocratic order while attempting to provide a new order founded on republican equality. Vaughan shows how at the time of Confederation Edward Freeman, a Cambridge historian who convinced John A. Macdonald to experiment with what no one had ever heard of before, a monarchic federation, and Jean Louis DeLolme, a popular French authority on the English constitution, helped forge a new federal constitution with a strong central government and a chief executive armed with the powers necessary to govern. Vaughan examines how these principles were undermined by the judicial activism of the Judicial Committee of the Privy Council, which paved the way for the significant expansion of judicial power under the Charter since 1982.

**British Generals in the War of 1812** Wesley B. Turner, 1999-03-30. The Canadian people have faced crises of leadership but never more seriously than during the War of 1812. Despite the many studies of this turbulent time, there are still controversies over traditional issues, one being the quality of leadership on both sides.

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.

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