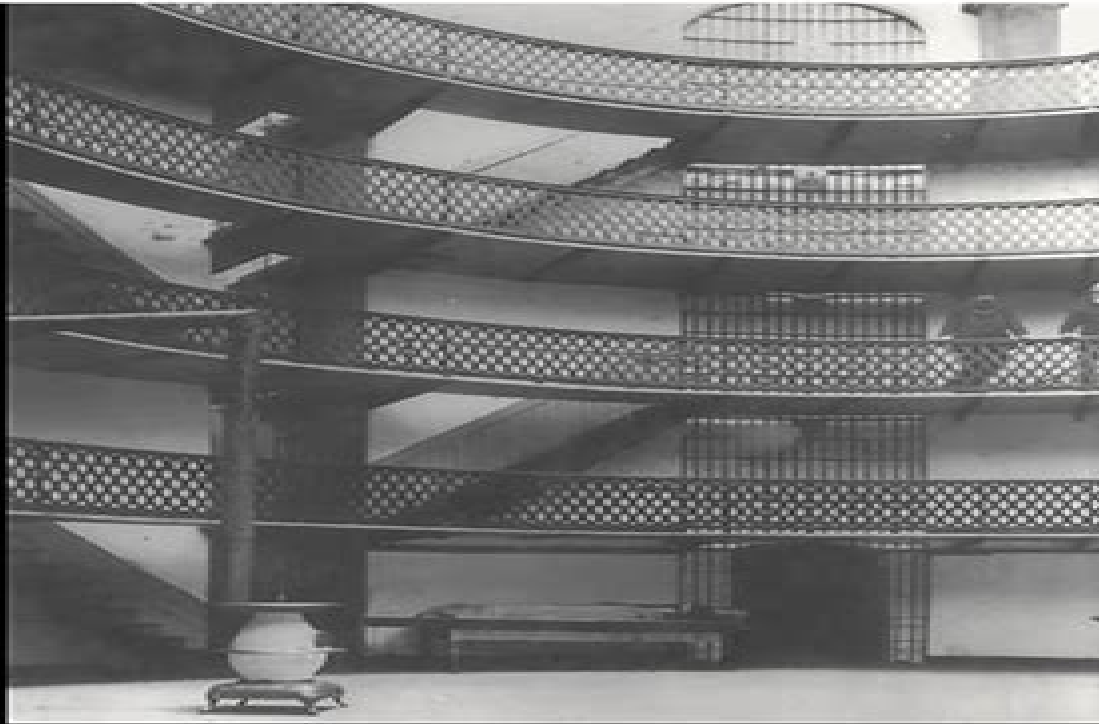


'TERROR TO EVILDOERS'



Prisons and Punishments in
Nineteenth-Century Ontario
P E T E R O L I V E R

Terror To Evil Doers Prisons And Punishment In Nineteenth Century Ontario

**J. Phillips, R. Roy McMurtry, John T.
Saywell**



Terror To Evil Doers Prisons And Punishment In Nineteenth Century Ontario:

'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 **Crime and**

Punishment in Upper Canada Janice Nickerson,2010-09-20 Crime and Punishment provides genealogists and social historians with context and tools to locate sources on criminal activity and its consequences during the Upper Canada period of Ontarios history through engravings maps charts documents and case studies *Prisons, Asylums, and the Public* Janet Miron,2011-01-01 The prisons and asylums of Canada and the United States were a popular destination for institutional tourists in the nineteenth century Thousands of visitors entered their walls recording and describing the interiors inmates and therapeutic and reformatory practices they encountered in letters diaries and articles Surprisingly the vast majority of these visitors were not members of the medical or legal elite but were ordinary people *Prisons Asylums and the Public* argues that rather than existing in isolation these institutions were closely connected to the communities beyond their walls Challenging traditional interpretations of public visiting Janet Miron examines the implications and imperatives of visiting from the perspectives of officials the public and the institutionalized Finding that institutions could be important centres of civic activity self edification and scientific study *Prisons Asylums and the Public* sheds new light on popular nineteenth century attitudes towards the insane and the criminal **The Persons Case** Robert J. Sharpe,Patricia I.

McMahon,2017-06-22 On 18 October 1929 John Sankey England s reform minded Lord Chancellor ruled in the *Persons* case that women were eligible for appointment to Canada s Senate Initiated by Edmonton judge Emily Murphy and four other activist women the *Persons* case challenged the exclusion of women from Canada s upper house and the idea that the meaning of the constitution could not change with time The *Persons* Case considers the case in its political and social context and examines the lives of the key players Emily Murphy Nellie McClung and the other members of the famous five the politicians who opposed the appointment of women the lawyers who argued the case and the judges who decided it Robert J Sharpe and Patricia I McMahon examine the *Persons* case as a pivotal moment in the struggle for women s rights and as one of the most important constitutional decisions in Canadian history Lord Sankey s decision overruled the Supreme Court of Canada s judgment that the courts could not depart from the original intent of the framers of Canada s constitution in 1867 Describing the constitution as a living tree the decision led to a reassessment of the nature of the constitution itself After the *Persons* case it could no longer be viewed as fixed and unalterable but had to be treated as a document that in the words of Sankey was in a continuous process of evolution The *Persons* Case is a comprehensive study of this important event examining the case itself the ruling of the Privy Council and the profound affect that it had on women s rights and the constitutional history of Canada **Canadian State Trials, Volume V** Barry Wright,Susan Binnie,Eric Tucker,2022-11-01

The fifth and final volume of the Canadian State Trials series examines political trials and national security measures during the period of 1939 to 1990. Essays by historians and legal scholars shed light on experiences during the Second World War and its immediate aftermath including uses of the War Measures Act and the Official Secrets Act with the unfolding of the Cold War and legal responses to the FLQ including the October Crisis, labour strikes and Indigenous resistance and standoffs. The volume critically examines the historical and social context of the trials and measures resulting from these events, concluding the first comprehensive series on this important area of Canadian law and politics. The fifth volume's exploration of state responses to real and perceived security threats is particularly timely as Canada faces new challenges to the established order ranging from Indigenous nations demanding a new constitutional framework to protestors challenging discriminatory policing and contesting public health measures. Osgoode Society for Canadian Legal History Violent Crime in North America Louis A. Knafla, 2003-12-30 This is the nineteenth volume of Criminal Justice History, featuring seven original essays on the history of violent crimes and punishments in North America in the nineteenth and twentieth centuries, including a major bibliography on capital punishment and the death penalty in the United States. The volume also contains a long book review essay on eleven books dealing with aspects of global terrorism and reviews of eleven individual major works on the history and ideology of crime and criminal justice that have appeared from the end of the 1990s. The introduction outlines the issues and themes that are contained in the essays and reviews. As in the earlier volumes in this series, a comprehensive index identifies all subjects, names and places in the volume. Crime and Empire 1840 - 1940 Barry Godfrey, Graeme Dunstall, 2013-06-17 This book is a major contribution to the comparative histories of crime and criminal justice, focusing on the legal regimes of the British empire during the nineteenth and early twentieth centuries. Its overarching theme is the transformation and convergence of criminal justice systems during a period that saw a broad shift from legal pluralism to the hegemony of state law in the European world and beyond. *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 America's Death Penalty David Garland,Randall McGowen,Michael

Meranze,2011-01-25 Over the past three decades the United States has embraced the death penalty with tenacious enthusiasm While most of those countries whose legal systems and cultures are normally compared to the United States have abolished capital punishment the United States continues to employ this ultimate tool of punishment The death penalty has achieved an unparalleled prominence in our public life and left an indelible imprint on our politics and culture It has also provoked intense scholarly debate much of it devoted to explaining the roots of American exceptionalism America s Death Penalty takes a different approach to the issue by examining the historical and theoretical assumptions that have underpinned the discussion of capital punishment in the United States today At various times the death penalty has been portrayed as an anachronism an inheritance or an innovation with little reflection on the consequences that flow from the choice of words This volume represents an effort to restore the sense of capital punishment as a question caught up in history Edited by leading scholars of crime and justice these original essays pursue different strategies for unsettling the usual terms of the debate In particular the authors use comparative and historical investigations of both Europe and America in order to cast fresh light on familiar questions about the meaning of capital punishment This volume is essential reading for understanding the death penalty in America Contributors David Garland Douglas Hay Randall McGowen Michael Meranze Rebecca McLennan and Jonathan Simon An Exceptional Law Dennis G. Molinaro,2017-05-08 During periods of intense conflict either at home or abroad governments enact emergency powers in order to exercise greater control over the society that they govern The expectation though is that once the conflict is over these emergency powers will be lifted 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 Dennis G Molinaro

argues that the institutionalization of emergency law became intricately tied to constructing a national identity Following a mass deportation campaign in the 1930s Section 98 was repealed in 1936 and contributed to the formation of Canada's first civil rights movement Portions of it were used during the October Crisis and recently in the Anti Terrorism Act of 2015 Building on the theoretical framework of Agamben Molinaro advances our understanding of security as ideology and reveals the intricate and codependent relationship between state formation the construction of liberal society and exclusionary practices

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 African Canadian Legal Odyssey Barrington Walker, 2012-11-13 *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

Law, Life, and Government at Red River, Volume 1 Dale Gibson, 2015-06-01 Inhabited by a diverse population of First Nations peoples Métis Scots Upper and Lower Canadians and

Americans and dominated by the commercial and governmental activities of the Hudson's Bay Company Red River now Winnipeg was a challenging settlement to oversee This illuminating account presents the story of the unique legal and governmental system that attempted to do so and the mixed success it encountered culminating in the 1869-70 Red River Rebellion and confederation with Canada in 1870 In *Law, Life and Government at Red River* Dale Gibson provides rich revealing glimpses into the community and its complex relations with the Hudson's Bay the colony's owner and primary employer Volume 1 details the history of the settlement's establishment development and ambivalent relationship with the legal and undemocratic but gradually grudgingly slightly more representative governmental institutions forming in the area and the legal system's evolving engagement with the Aboriginal population A vivid look into early settler life *Law, Life and Government at Red River* offers insights into the political commercial and legal circumstances that unfolded during western expansion

Law of the Land Greg Taylor, 2008-09-18 How was it that the Torrens system a mid nineteenth century reform of land titles registration from distant South Australia gradually replaced the inherited Anglo Canadian common law system of land registration In *The Law of the Land* Greg Taylor traces the spread of the Torrens system from its arrival in the far flung outpost of 1860s Victoria British Columbia right up to twenty first century Ontario Examining the peculiarity of how this system of land reform swept through some provinces like wildfire and yet still remains completely unknown in three provinces Taylor shows how the different histories of various regions in Canada continue to shape the law in the present day Presenting a concise and illuminating history of land reform he also demonstrates the power of lobbying by examining the influence of both moneylenders and lawyers who were the first to introduce the Torrens system to Canada east of the Rockies An exact and fluent legal history of regional law reforms *The Law of the Land* is a fascinating examination of commonwealth influence and ongoing regional differences in Canada

The Notorious Georges Jonathan Swainger, 2023-10-15 Boozy and boisterous The Georges the communities of South Fort George and Fort George that ultimately became Prince George acquired a seedy reputation for a century at times branded the dubious title of Canada's most dangerous city Is Prince George really such a bad lad *The Notorious Georges* explores how the pursuit of respectability collided with caricatures of a riotous settlement frontier in its early years Anxious about being marginalized by the provincial government and venture capitalists municipal leaders blamed Indigenous and mixed heritage people non preferred immigrants and transient labourers for local crime Jonathan Swainger combs through police and legal records government publications and media commentary to demonstrate that the disorder was not so different from the rest of the province and respectable white residents were often to blame This lively account tells us about more than a particular community's identity It also sheds light on small town disaffection in modern Canada

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 Searching for Justice Fred Kaufman,Osgoode Society for Canadian Legal History,2005-01-01 The

Honourable Fred Kaufman has been a distinguished figure in Canadian law for a half century Born into a middle class Jewish family in mid 1920s Vienna Kaufman escaped to England on the eve of the Second World War In 1940 he was interned as an enemy alien and sent to Canada Released in 1942 Kaufman stayed in Canada where he went on to university and law school in Montreal Kaufman was called to the Bar of Quebec in 1955 and practiced criminal law for eighteen years taking part in many of the famous cases of that period In 1960 he secured the release of a young Pierre Elliott Trudeau from prison and in 1973 Trudeau returned the favour by personally informing Kaufman of his appointment to the Quebec Court of Appeal where he served for eighteen years including one as Acting Chief Justice of Quebec Since his retirement in 1991 Kaufman has led numerous commissions and inquiries most notably the investigation into the wrongful conviction of Guy Paul Morin and the two year reassessment of the Steven Truscott case Searching for Justice is Kaufman s remarkable story in his own words It is the tale of adversity overcome in a crucial period of 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 **The Thousandth Man** Barry Cahill,Osgoode Society for Canadian Legal History,2000-01-01

James McGregor Stewart 1889 1955 was perhaps the foremost Canadian corporate lawyer of his day He was also an appellate counsel venture capitalist Conservative Party fundraiser bibliographer of Rudyard Kipling and sometime university

teacher of classics A leader of the bar in the inter war period he was the first Maritimer to serve as president of the Canadian Bar Association He distinguished himself mainly in constitutional cases before the Judicial Committee of the Privy Council During his career Stewart was also head of the leading law firm in eastern Canada now Stewart McKelvey Stirling Scales director and vice president of the Royal Bank of Canada and senior counsel to the Royal Commission on Dominion Provincial Relations Above all Stewart was committed to the idea of law as a truly learned profession and to the bar as the most important legal institution To this day no lawyer has held such prestige and power both within and outside Atlantic Canada in his time he was the only Maritime lawyer who gained full acceptance by every branch of the Canadian establishment Thematic rather than chronological in approach this fascinating legal biography provides both a history of a uniquely Canadian career and an interpretation of its significance for Stewart's time and ours

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

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