

# Foreword

## THE OSGOODE SOCIETY

The purpose of The Osgoode Society is to encourage research and writing in the history of Canadian law. The Society, which was incorporated in 1979 and is registered as a charity, was founded at the initiative of the Honourable R. Roy McMurtry, former attorney-general of Ontario, and officials of The Law Society of Upper Canada. Its efforts to stimulate legal history in Canada include the sponsorship of a fellowship and an annual lectureship, research support programs, and work in the field of oral history. The Society publishes (at the rate of about one a year) volumes of interest to the Society's members that contribute to legal-historical scholarship in Canada, including studies of the courts, the judiciary, and the legal profession, biographies, collections of documents, studies in criminology and penology, accounts of great trials, and work in the social and economic history of the law.

Current directors of The Osgoode Society are Brian Bucknall, Archie G. Campbell, Martin Friedland, Jane Banfield Haynes, John D. Honsberger, Kenneth Jarvis, Laura Legge, Allen M. Linden, James Lisson, R. Roy McMurtry, Brendan O'Brien, and Peter Oliver. The annual report and information about membership may be obtained by writing The Osgoode Society, Osgoode Hall, 130 Queen Street West, Toronto, Ontario, Canada, M5H 2N6. Members receive the annual volumes published by the Society.

Canadians know little about the history and traditions of their highest court. In providing the first comprehensive history of the Supreme Court

of Canada, James Snell and Frederick Vaughan make a significant contribution to Canadian history. Their study deals with such central concerns as the Court's relationships with government and politicians, the perception of the Court on the part of the bar and the public, and the Court's internal administration and personnel. Leading cases are discussed in their historical context to illustrate the main tendencies in the Court's jurisprudential evolution.

Throughout, the authors emphasize the relationships between the Court and the larger society. Often the story they tell is a startling one, especially with respect to the all but crippling problems the Court faced during the first half-century of its life. This is not an account of steady or automatic progress but rather of gradual growth in stature in the face of many obstacles. In this history, Professors Snell and Vaughan demonstrate that the life of institutions, like that of individuals, is complex and uncertain.

With the Charter of Rights and Freedoms in place as part of the constitution, the Supreme Court now plays a vastly expanded role in Canada's system of government. This book adds greatly to our understanding of our judicial heritage and governmental traditions.

Brendan O'Brien  
*President*

Peter N. Oliver  
*Editor-in-Chief*

PUBLICATIONS OF THE OSGOODE SOCIETY

- 1981 David H. Flaherty, ed. *Essays in the History of Canadian Law*, volume 1  
1982 Marian MacRae and Anthony Adamson *Cornerstones of Order: Courthouses and Town Halls of Ontario, 1784-1914*  
1983 David H. Flaherty, ed. *Essays in the History of Canadian Law*, volume II  
1984 Patrick Brode *Sir John Beverley Robinson: Bone and Sinew of the Compact*  
1984 David Williams *Duff: A Life in the Law*  
1985 James G. Snell and Frederick Vaughan *The Supreme Court of Canada: History of the Institution*