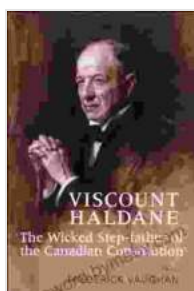


# The Wicked Step Father of the Canadian Constitution: Exposing the Osgoode Society's Influence

In the tapestry of Canadian legal history, the Osgoode Society stands out as a towering figure, its influence deeply intertwined with the very fabric of the nation's constitution. Yet, beneath the veneer of respectability, a darker narrative unfolds, revealing a complex and controversial organization that has played a pivotal role in shaping the constitutional landscape of Canada.



## Viscount Haldane: 'The Wicked Step-father of the Canadian Constitution' (Osgoode Society for Canadian Legal History) by Frederick Vaughan

★★★★★ 5 out of 5

Language : English  
File size : 1145 KB  
Text-to-Speech : Enabled  
Screen Reader : Supported  
Enhanced typesetting : Enabled  
Word Wise : Enabled  
Print length : 345 pages



## The Birth of the Osgoode Society

The seeds of the Osgoode Society were sown in 1794, when a group of prominent lawyers in Upper Canada (now Ontario) came together to form an association dedicated to the advancement of legal knowledge and the fostering of professional camaraderie. Named after the celebrated English

jurist and political philosopher William Osgoode, the society quickly gained prominence and established its headquarters in York (present-day Toronto).

From its early beginnings, the Osgoode Society exerted a significant influence on the development of the legal system in Upper Canada. Its members played key roles in drafting legislation, establishing courts, and shaping the province's legal culture. However, it was the organization's involvement in the creation of the Canadian Constitution in 1867 that would forever etch its name in the annals of history.

### **The Constitutional Convention and the Osgoode Society**

In the mid-1860s, as the push for Canadian Confederation gained momentum, the province of Upper Canada sent a delegation to the constitutional convention in Quebec City tasked with drafting the new constitution. Among the delegates were several prominent members of the Osgoode Society, who played a significant role in the deliberations and negotiations.

The Osgoode Society's influence on the final document was multifaceted. Its members advocated for a strong central government, a powerful executive, and a limited role for the courts in constitutional interpretation. These principles, which were ultimately enshrined in the Canadian Constitution, reflected the conservative and elitist views held by many within the society.

### **Judicial Independence Under Fire**

One of the most controversial aspects of the Osgoode Society's involvement in the constitutional convention was its opposition to judicial independence. The society's members argued that judges should not have

the power to strike down legislation passed by the elected representatives of the people. This view, which was at odds with the emerging principles of judicial review, would have profound implications for the future of Canadian constitutional law.

The Osgoode Society's stance on judicial independence was particularly apparent in the aftermath of the "Tremblay Affair" of 1894. In this case, a Quebec court struck down a federal law as unconstitutional. The Osgoode Society fiercely criticized the decision, accusing the court of overstepping its authority. This incident further strained relations between the society and the judiciary, and raised questions about the extent to which the Osgoode Society was willing to erode judicial independence in pursuit of its own agenda.

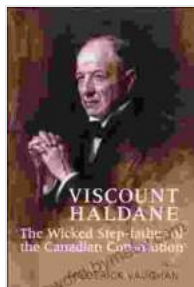
### **The Society's Enduring Legacy**

Despite its checkered past, the Osgoode Society has remained an influential force in Canadian legal circles. Its members have held key positions in government, academia, and the judiciary. The society's annual lectures and publications continue to shape legal discourse and contribute to the development of Canadian constitutional law.

Yet, the Osgoode Society's legacy is not without its critics. Some scholars argue that the society's conservative and elitist ideology has had a negative impact on the Canadian Constitution. They point to the society's opposition to judicial independence and its support for a strong central government as evidence that the organization has been an obstacle to constitutional reform and progressive social change.

The Osgoode Society's imprint on the Canadian Constitution is undeniable. From its role in drafting the original document to its ongoing influence on legal discourse, the society has played a pivotal role in shaping the country's constitutional trajectory. Yet, the organization's history is also marked by controversy and a complex relationship with judicial independence. As Canada continues to grapple with the challenges of constitutional interpretation and reform, the Osgoode Society's legacy will undoubtedly continue to be a subject of debate and fascination.

Whether one views the Osgoode Society as a champion of conservatism or a threat to judicial independence, there is no denying the organization's profound impact on the Canadian legal system. Its story is a testament to the intricate interplay between power, politics, and the law in the shaping of a nation's constitution.



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