

Preface to the Special Issue on Essays in Legal History in Honour of DeLloyd J. Guth

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Professor DeLloyd J. Guth officially retired from the Faculty of Law at the University of Manitoba in December, 2018 from a long career of university teaching, where his speciality – and passion – was legal history. In his honour and to recognize his life-long dedication to furthering the study and teaching of legal history, this volume features three essays from the Annual DeLloyd J. Guth Lecture Series that he established at Robson Hall, plus two new works that explore legal history as part of their larger inquiries.

Professor Guth was also known for his commitment to students. He would greet student submissions with his famous red pen and return them with copious suggestions for improvement. He even took a short post-retirement appointment to ensure continuity for students in the Judge Shadowing Program. As a colleague, he was known for his fierce defense of both academic freedom and freedom of expression.

The Annual DeLloyd J. Guth Lecture Series has become one of the most important dates on the Faculty of Law calendar. It has been a catalyst for bringing some of the best legal minds to campus. Starting with the Right Honourable Chief Justice Beverley McLachlin of the Supreme Court

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of Canada,¹ it has brought scholars of legal history to Winnipeg from across Canada² and the United States.³

The three Annual DeLloyd J. Guth Lectures contained in this volume (prepared by Professors Foster, McLaren & Parmar, and Andrew, respectively) continue this tradition of engaging students and Faculty at Robson Hall with some of the most talented contemporary exponents of legal history. We have already been gratified by the ability of each of these lecturers to engage today's students and others in the legal profession in how the past continues to influence and mirror events in the present. The *Manitoba Law Journal* is pleased to continue its practice of publishing papers that are produced based on the Annual DeLloyd J. Guth Lectures. We hope that our editorial process, including external as well as internal peer reviews, adds to their final polish. We believe that the preservation of these works in print only adds to their contemporary and future impact.

In addition to the three Annual DeLloyd J. Guth Lectures, two additional essays with significant historical components are also included here. Though we had originally thought that we might have a "Guth only" volume of the *Manitoba Law Journal*, we thought that the inclusion of these other essays affirms the commitment of the MLJ in its new era to legal

¹ See The Right Honourable Beverley McLachlin, P.C., Chief Justice of Canada, "Louis Riel: Patriot Rebel" (2011), 35:1 Man LJ 1.

² See Philip Girard, "Writing Canadian Legal History: Origins" (2013) 37:1 Man LJ 85 (Professor Girard is a Professor at Osgoode Hall Law School, and honorary fellow of the American Society for Legal History); Thomas R Berger, O.C., Q.C., "The Manitoba Metis Decision and the Uses of History" (2014) 38:1 Man LJ 1 (Thomas R Berger, O.C., Q.C., practices law in Vancouver at Aldridge & Rosling); Catherine Bell & Paul Seaman, "A New Era for Metis Constitutional Rights? Consultation, Negotiation, and Reconciliation" (2014) 38:1 Man LJ 29 (Catherine Bell is a Professor of Law at the University of Alberta; Paul Seaman is a lawyer at the Toronto and Vancouver offices of Gowling Lafleur Henderson LLP. Professor Bell delivered the 6th Annual DeLloyd J. Guth Lecture, and Mr. Seaman assisted in writing the paper that appeared in the *Manitoba Law Journal* based on her lecture).

³ See James Oldham, "Habeas Corpus, Legal History, and Guantanamo Bay" (2012) 36:1 Man LJ 362 (Professor Oldham is the St Thomas More Professor of Law and Legal History, Georgetown University Law Centre); Charles Donahue, Jr., "The Modern Laws of Both Tort and Contract: Fourteenth Century Beginnings" (2016) 40:1 Man LJ 9 (Professor Donahue is the Paul A. Freund Professor of Law, Harvard Law School); Richard H Helmholz, "Statutory Interpretation - Then and Now" (2018) 41:1 Man LJ 1 (Professor Helmholz is the Ruth Wyatt Rosenson Distinguished Service Professor of Law, University of Chicago).

history, including our focus on histories of the jurists, legal educators and policy makers from our community, including Indigenous pathbreakers.⁴ Our commitment to encourage creative new works with a strong historical component is in the spirit of Professor Guth's own life-long endeavour. Reflections on the past can be enjoyed as narratives, can be way of preserving voices that would otherwise be lost, and give us the chance to be wiser as we move ahead as individuals and as a society.

While Dr. Guth has retired from the Faculty, we are looking forward to his enjoyment, along with many other readers, of each new contribution to his legacy as it appears in these pages.

⁴ In addition to publishing the papers arising from the Annual DeLloyd J. Guth Lecture Series, there have been entire issues and volumes of the *Manitoba Law Journal* dedicated to historical topics. On this point, see *Five Decades of Chief Justices of Manitoba*, Volume 36:2 (Special Issue) of the *Manitoba Law Journal* (2012); *The Great Transition in Legal Education*, Volume 39:1 of the *Manitoba Law Journal* (2016) and its Documentary Supplement, Volume 39:2 of the *Manitoba Law Journal* (2016); *Indigenous Jurists and Policy-Makers from Manitoba: A Collection of Oral Histories*, Volume 41:2 of the *Manitoba Law Journal* (2018); *Chief Justice Robson: A Selection of His Original Works and Contemporary Reflections on Them*, Volume 42:2 (Special Issue) of the *Manitoba Law Journal* (2019); *The Great Canadian Sedition Trials*, 2nd ed, Volume 42:5 of the *Manitoba Law Journal* (2019).