

Essays should be 10-15 typed pages in length. The bibliography must include at least three book or journal sources (internet based sources will be accepted, but only in addition to this requirement). At least two sources must relate specifically to your topic (eg., general textbook material will not suffice). A relevant coursepack reading may be included in this count (such readings and additional references found in the course bibliography on the course website may provide a good starting point for research). You are not expected to do primary research (scholarly secondary sources will suffice). However, please note that I am expecting more than a purely descriptive effort: Your essay should analyze the issues in contention and assess the different interpretations (historiography) relevant to your topic. It will be assessed accordingly.

Please also refer to important notes concerning essays and academic offences in the course guide. The essay is worth 50% of the final grade and is due **Thurs. 29 Oct. for 3305 Section A, Mon. 2 Nov. for 3305 Section B. There will be no lectures on those days so the essay should be deposited at the Law Department essay drop chute (Loeb C473) on the due date and by 4:30 pm at the latest. Please note that essays must be submitted in hardcopy --essays sent to me by email or email attachment will not be accepted.** I will accept essays sent by mail/courier but they must be postmarked with the due (or prior) date. Please retain a secure second copy of the submitted essay. Essays will be returned at the last lecture of the term (the exam review class).

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1. Examine and assess the development of the Canadian Criminal Code, 1892 as an assertion of the Dominion of Canada's jurisdiction over criminal law and in the context of 19<sup>th</sup> century British utilitarian reform efforts.
2. Examine the role of the Canadian North West Mounted Police in the context of relations with native peoples and frontier development. Were the Mounties a colonizing agent (eg., suppression of aboriginal cultures and livelihoods) or were they a positive instrument of nation-building that better secured the rule of law?
3. Why was the Kingston Penitentiary built? Did it reflect the same factors contributing to the rise of the penitentiary in Britain and the USA or particular local circumstances? In dealing with these questions be sure to explain the context eg., the old system of automatic death sentences for felony convictions moderated by conditional pardons, the pressure of numbers, and the role of utilitarian and humanitarian arguments and abolitionist reform.
4. Evaluate the struggles to establish Peel's Metropolitan London Police and the impact of professional policing. Be sure to explain the inadequacies of the ancient system of law enforcement and its minor reform in the 18<sup>th</sup> century, the nature of opposition to policing reform, and popular resistance to the new institution. Also, reflect on whether Peel's "principles of policing" have any relevance today.
5. Examine the circumstances of the large-scale entry of lawyers into the criminal trial and assess their impact. Be sure to refer to the changing situation of prosecutors and defence counsel in the 18<sup>th</sup> century, the struggles leading to the Prisoner's Counsel Act, and resulting changes to evidence, procedure, and the role of other trial participants.
6. Is the jury inefficient, incapable of dealing with complex evidence, and an obstacle to the rule of law or has its power over verdicts (eg. 'verdict according to conscience' or nullification) served as an important popular check on authority? Illustrate with historical examples.
7. A topic of your design. For instance, you might be interested in an examination of historical work on the experiences of women with criminal justice, transportation, early Canadian departures from English models with public prosecutions, or in a major modification of one of the above topics. **Your 'custom topic' must have a relevant criminal law and historical focus. A one page proposal/abstract must be presented to me for approval at least one week before the due date.**