

Essays should be 10-15 typed pages in length. The bibliography must include at least three published scholarly book or journal sources on topic (including journals accessed online and any relevant coursepack reading but general internet informational sources and general texts will be accepted only in addition to this requirement). While you are not expected to do primary research, 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 and it will be assessed accordingly. I am happy to discuss your proposed treatment of a topic during my regular office hours but please direct email enquiries in first instance to the TAs as indicated on the course guide. The essay is worth 50 % of the final grade and is due **Wednesday 9 March**. Please note that essays must be submitted in hardcopy --essays sent to me by email or email attachment will not be accepted. **C** section students may hand the essay in at class; otherwise essays should be left at the Department of Law essay drop chute (beside the general reception area room C473 Loeb). I will accept essays sent by mail/courier (c/o B. Wright, Law, Carleton University Ottawa K1S 5B6) but they must be postmarked with the due or prior date. Please retain a secure second copy of the submitted essay in case the original is misplaced. Essays will be returned at the last lecture of the term (the exam review class) or by the usual procedures for CUTV students. Please also refer to important notes concerning late assignments and academic offences in the course guide.

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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 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.
3. Is the jury inefficient, incapable of dealing with complex evidence, and an obstacle to the rule of law as utilitarian reformers suggested or has its power over verdicts (eg. 'verdict according to conscience' or nullification) served as a popular check on authority that remains important even with modern formal protections of judicial independence? Illustrate with Canadian (eg., not American) examples.
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 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?
6. 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 and conditional pardons, the role of utilitarian and humanitarian reform arguments and abolitionism.
7. A topic of your design. **Your 'custom topic' must have a criminal law and historical focus of relevance to course themes. A one page proposal/abstract must be presented to me for approval at least one week before the due date.**