

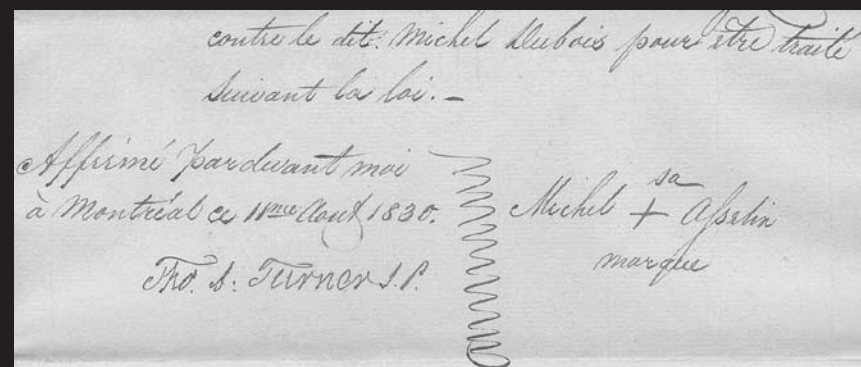
in it. Fyson contends that, although the system was fundamentally biased, its flexibility provided a source of power for ordinary citizens. At the same time, the system offered the colonial state and its elites a powerful, though often faulty, means of imposing their will on Quebec society. This fascinating and controversial study will challenge many received historical interpretations, providing new insight into criminal justice in early Quebec.

(Osgoode Society for Canadian Legal History)

DONALD FYSON is an associate professor in the Department of History at Université Laval.

Jacket illustrations: (Front) 'L'Audience ou Palais de Justice, et l'Hopital Anglais en perspective' (c.1825). Note the British flag and arms and the neo-Palladian style of the courthouse erected 1799-1801. Sepia tint by John Poad Drake, for Jacques Viger's *Panorama de Montréal*. Musée de la civilisation, collection du Séminaire de Québec, fonds Viger-Verreau, P32/O-49. (Back) End of the deposition of Michel Asselin against Michel Dubois, 1830. Bibliothèque et Archives nationales du Québec (Montréal), TL32 S1 SS11.

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This is a study of everyday criminal law and criminal justice in Quebec and Lower Canada from 1764 to 1837, or from a little after the British Conquest to just before the Rebellions. Its focus is on the everyday, not in the sense of daily – as today, direct personal contact with the criminal justice system was exceptional – but in the sense of routine or ordinary. Ordinary law and justice in the colony were played out mainly at the lower levels of the justice system, around the justices of the peace and their police ... We still know relatively little about the structure and operation of the lower-level civil and criminal courts, and, as for the experiences of people who came before the justice system, these come to us mainly through the work of social historians examining specific phenomena such as wife-battering or infanticide. And yet, as historians of other jurisdictions have shown, it was the everyday structures and acts of routine criminal law and justice that affected the greatest number of people, with what are often termed 'petty' cases and 'low law' making up the bulk of the work of the criminal justice system and constituting, in general, the concrete basis of the experience of justice.

From the Introduction

UNIVERSITY OF TORONTO PRESS



Magistrates,
Police,
and
People

FYSON

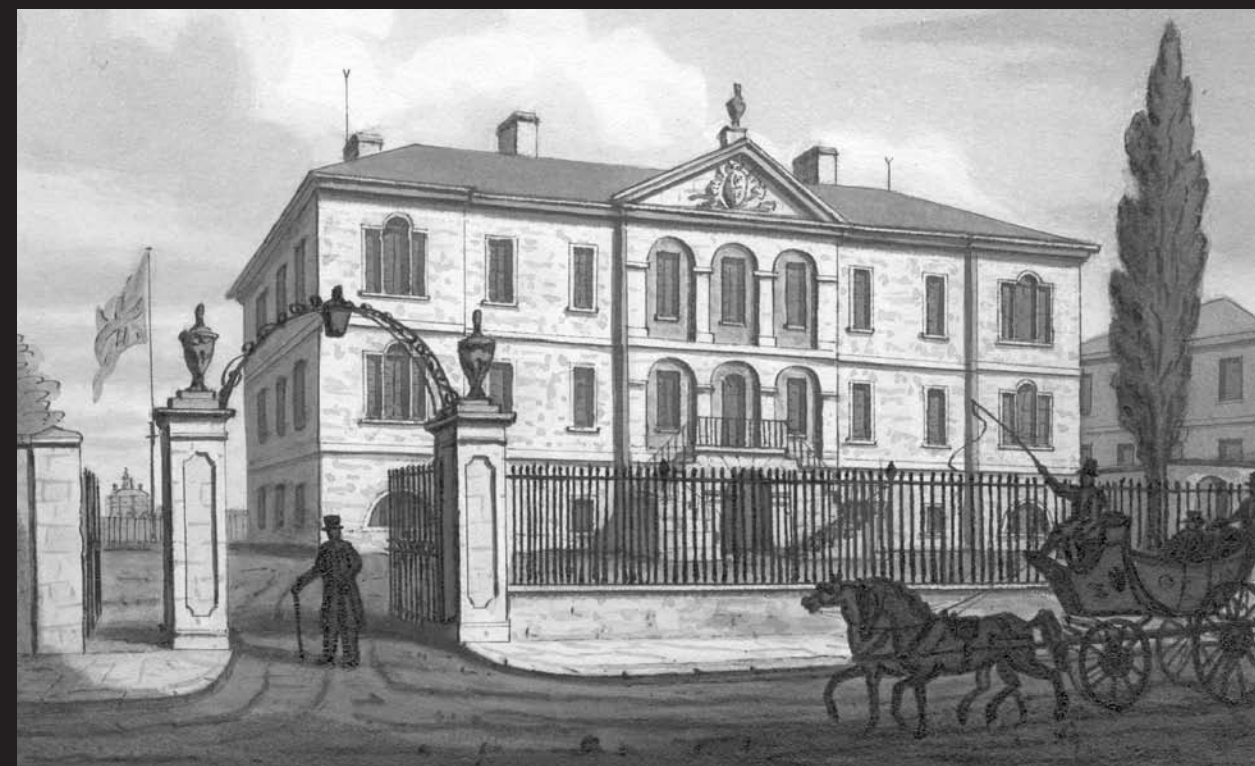


THE
OSGOODE
SOCIETY

TORONTO

MAGISTRATES, POLICE, AND PEOPLE

Everyday Criminal Justice in Quebec
and Lower Canada, 1764–1837



DONALD FYSON

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The role and function of criminal justice in a conquered colony is always problematic, and the case of Quebec is no exception. Many historians have suggested that, between the Conquest and the Rebellions (1760s–1830s), Quebec's *Canadien* inhabitants both boycotted and were excluded from the British criminal justice system. *Magistrates, Police, and People* challenges this simplistic view of the relationship between criminal law and Quebec society, offering instead a fresh view of a complex accord.

Based on extensive research in judicial and official sources, Donald Fyson offers the first comprehensive study of the everyday workings of criminal justice in Quebec and Lower Canada. Focusing on the justices of the peace and their police, Fyson examines both the criminal justice system itself, and the system in operation as experienced by those who participated

(continued on back flap)