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Odyssey

*The Historical Treatment of Urban Policing in Canada: A Review of the Literature**

Jeffrey Ian Ross

Abstract:

The author reviews the research produced on the history of municipal policing in Canada, partly through the creation and analysis of a database. There are three types of work: comprehensive treatments, historical case-studies of particular polic forces, and studies examining subprocesses in particular forces. The author then discusses this literature's advantages and disadvantages. Finally, the author makes a series of recommendations for improving the existing knowledge base.

Résumé:

L'auteur étudie les recherches effectuées sur l'histoire des corps policiers municipaux au Canada par, entre autres moyens, la constitution et l'analyse d'une banque de données. L'article porte sur trois types de documents : les études exhaustives, les études de cas historiques portant sur des forces policières particulières et les études que se penchent sur les sous-procédés qui ont cours au sein de certains corps policiers. L'auteur examine ensuite les avantages et les inconvénients de ce genre de documents. En dernier lieu, il propose une série de recommandations en vue d'améliorer l'ensemble des connaissances actuelles.

Introduction

With the exception of the North-West Mounted Police (NWMP), and its successors the Royal North-West Mounted Police (RNWMP) and Royal Canadian Mounted Police (RCMP), relatively little published material exists on the history of Canadian public police and policing in general.¹ Nevertheless, the amount of research produced on the history of municipal policing in Canada is growing. At the beginning of the 1990s one could only point to a handful of studies. Today there are at least 41 separate efforts (i.e., doctoral dissertations, master's theses, reports, articles, chapters, or books). They provide a knowledge base that can and should be built upon. In order to improve the quality and scope of future research, I created and analysed a database on this material. Here I divide the work into three categories, then discuss the advantages and disadvantages of this literature, including the sources used. In sum, I review what has been written in order to point out appropriate directions for future research.

Historical Context

Canadian police forces developed both from English and French traditions, and later adopted structures, policies, and practices from American police forces. The first police officers appeared on the streets of Quebec City in 1651.² Nevertheless, most of today's municipal police forces were not established until the mid-1800s, when communities had substantial populations. The process became more formalized after Confederation, when the Constitution Act (1867) gave the provinces the power to establish police forces in their own jurisdictions.

In 1873, the North-West Mounted Police was created. It was primarily responsible for patrolling the western provinces, and later absorbed the Dominion police,

which at the time provided security for government buildings. Due to organizational and political imperatives, the force was later renamed the Royal North-West Mounted Police, and then the Royal Canadian Mounted Police.

Almost every province, at one time or another, has had a provincial police force. However, due to public criticism involving allegations of corruption or decisions motivated by cost effectiveness, many provincial police forces were disbanded, and policing in those provinces was contracted out to the RCMP. Today, only the provinces of Ontario, Quebec, and Newfoundland have their own provincial forces. Since the early 1960s, there have been a number of regionalizations of police forces in selected provinces (e.g., Ontario, Quebec), in an effort to provide a consistency and fuller range of services, and to save money.³

Currently, urban police forces are the largest police organizations in Canada in terms of numbers of police officers employed and resources consumed, and comprise about 55% of the total police personnel. They are established and regulated under provincial legislation, which requires cities and towns to furnish adequate policing for their communities. Municipal police agencies are responsible for "enforc[ing] all laws relating to their area of jurisdiction," including federal statutes such as the Criminal Code, Narcotic Control Act, and Food and Drug Act, provincial statutes, and the by-laws of the municipality.⁴

Historiography

In an effort to provide a relatively comprehensive picture of the historical research on urban police in Canada, I consulted bibliographical sources⁵ and all references of the material gathered. This yielded a database of 41 separate

treatments.⁶ These were then coded on six variables that are descriptive of the field.⁷ Historical research on municipal policing in Canada can be traced back to 1964. Since that time, there has been a steady flow of one to three works published or completed each year.⁸ This literature has been distributed amongst, in growing order of frequency: doctoral dissertations (2%), master's theses (11%), reports (internal/consultants) (15%), chapters in books (17%), journal articles (26%), and books (30%). In general, there are three categories of historical research on urban police in Canada: comprehensive treatments, case-studies of particular forces, and analyses of particular processes that occur in particular police departments.⁹

Few books have been written that offer an overview of the history of urban policing in Canada. More common is material that makes passing reference to the subject. Typically such material appears as chapters in books that cover the Canadian criminal justice system,¹⁰ or urban processes in Canada,¹¹ as chapters in edited anthologies on the police in Canada,¹² or journal articles.¹³

One of the most comprehensive treatments of the police was written by the former head of the RCMP and his wife. It traced the origins of policing at all levels of government, dating from the first police officers who patrolled Quebec City to the modern police forces at the time the book was published. Even though the authors provide a good foundation and use a variety of sources, they have been criticized for being "rather uncritical, [and] non-issues oriented,"¹⁵ and for providing more description than analysis. Additionally, the authors did not conduct any archival research nor did they test or develop any theories.

Subsequent efforts to document the history of police have been brief and nonanalytical. For example, Chapman and Cooper each provide short reviews, which, while useful as introductions, are primarily based on the Kellys' work, and consequently are rather superficial and sketchy.¹⁶

In contrast, a report by Talbot, et al., most of which was reprinted elsewhere, attempts to provide a comprehensive historical treatment of policing in Canada.¹⁷ Two chapters examine federal policing, one reviews provincial policing, one describes private and special police, while the final chapter examines urban policing. With respect to urban areas, the authors review the history of policing in separate jurisdictions, devoting one or two paragraphs to major centres in Canada. Noticeably absent from their discussion are Vancouver and Edmonton. One of the problems with this work is that each section is derived primarily from a single source, ranging from master's theses to reports produced by police departments themselves.

In a larger project, Talbot, et al.,¹⁸ expand their earlier study and examine the history of policing at the federal, provincial, and municipal levels. This report covers four time periods: "The Origins of Canada's Police to 1900," "Canada's Police in the Early Twentieth Century: 1900-1920," "Canada's Police in the 'Boom-Bust' Years: 1921-1945," and "Post-War Policing in Canada: 1946-1984." Despite this conceptualization, the content is similar to their earlier effort and consequently suffers from many of the same problems.

Finally, Greer's chapter¹⁹ reviews the history of policing in Canada with a special emphasis on the cities of St. John (NB), Quebec City, Montreal, Toronto, and Hamilton. He looks at the varied roles of the justice of the peace, high constables,

night watch, and garrisoned British soldiers who occasionally had policing functions, and then examines the development of urban police forces and rural policing in Lower Canada. He sees the creation of modern police forces as attempts by governments to exert their control over people they deemed "less desirable individuals." While providing an analytic perspective, the author's coverage is very brief and stops in the mid-1800s.

Although this literature has provided researchers and scholars of urban Canadian police with a knowledge base, most of it is embryonic, and consequently superficial.²⁰ Part of the problem with presenting a comprehensive treatment of municipal policing is that many Canadian provinces came into Confederation at different times. Consequently, several police forces were established before their jurisdiction was officially part of Canada. Comparison of police departments during these early periods is difficult because they varied considerably in their policies and practices. Additionally, there are far too many gaps (i.e., few records, or none at all) in the history of policing in Canada. Hence a comprehensive history of policing in this country is at best premature.

Case-studies

Case-studies of individual urban police departments in Canada (45% of published research) are more common than comprehensive treatments. In the main, there are three types of historical case-studies: those written by a team of officials and academics, official works, and academic treatments.

Occasionally, academics and police officers have collaborated. This arrangement makes sense because "in-house" historians have both insiders' knowledge

and access to sources," while academics have the theoretical and specialist knowledge that insiders often lack. One of these books is *The Saint John Police Story*, co-authored by Peter McGahan, William Higgins, and Gerald Wallace.

A number of case-studies (32%) are official histories. In this context, they had the police department's cooperation or wrote under its direction. In part, as Marquis observes, this is due to the fact that "[u]rban police departments invariably produced their amateur historian, usually a constable, NCO or detective who functioned as unofficial archivist and chronicler."²¹ Alternatively, retired chiefs of police, with time on their hands, have written official histories. "Official histories have been aimed at members of the department and public-spirited citizens. In recent years a number of municipal departments have produced commemorative histories which vary in their quality of research."²² These books are especially useful for public relations.

The lion's share of official histories "are organized according to the regimes of various police chiefs and make liberal use of anecdotes,"²³ made up of photographs of badges, crests, uniforms, police officers, and station houses, or are reproductions of correspondence and statistics, and occasionally focus on "lurid crimes and acts of bravery."²⁴ Official histories have been written of the Amherst, Edmonton, Hamilton, Lethbridge, St. John (NB), Stellarton, Sudbury, Winnipeg, and Vancouver police forces. Common sources of information are interviews with active police officers, reminiscences of former police officers, newspaper and magazine articles, archival photographs, letters, and diaries.

Alternatively, the majority of case-studies of particular forces are academic and have been written by social and urban

historians, and criminologists. Scholars have placed police departments into the economic, social, and political context of the municipalities under investigation.²⁵ "Academic journal articles on the Canadian municipal police first appeared in the 1980s."²⁶ Case-studies have been produced on police departments in Calgary, Charlottetown, Hamilton, St. John (NB), Toronto, Quebec City, Brantford, and Montreal.²⁷ Many of these studies examine not only the police, but also the sources and causes of crime. Like official histories, the academic case-studies of particular forces may be buttressed by photographs and tables of statistics.

Analytical Studies

Of the 21 analytical studies,²⁸ approximately a third deal with miscellaneous themes such as police unionism, police as a social welfare agency, technology of police, organization of police, value changes, and the influence of the British garrison on the police (See table 1). Most, however, examine police control of undesirables, class-based policing, police courts/magistrates, and professionalization. Even though four theories (i.e., disorder control, crime control, class control, and urban dispersion) have been articulated to explain the growth of police departments,²⁹ the underlying current in the historical analyses of processes in Canadian urban police forces seems to be evenly divided between only two: examinations of the class-control theory³⁰ and the disorder-control theses.³¹ Few authors adopt the crime-control or urban dispersion theories. The predilection to adopt the class-control thesis has been explained by Marquis who suggests that,

Sociologists, who rarely have anything positive to say about the contemporary police, and historians influenced by British working-class and European social historiography will, by nature,

stress class instrumentality. Police historians will be less sweeping in their claims. The difference between the overt class-control interpretation and a more nuanced, case-by-case approach may be the difference between objective and subjective considerations of class.³²

It also appears that some of the class-control examinations have been framed in the context of broader examinations of particular departments or the presence of social welfare predilections of municipal police.³³

Table 1:
Studies Examining Subprocesses in Particular Police Forces

Subject	Number of Works
Police control of undesirables	4
Class-based policing	3
Police courts/magistrates	3
Professionalization	3
Police unionism	1
Police as a social welfare agency	1
Technology of police	1
Organization of police	1
Value changes	1
Influence of Police Garrison	1
Missing	2
<i>Total</i>	21

Like official histories and academic cases-studies, work on subprocesses include photographs and statistics, but they are used for pedagogical rather than aesthetic purposes.

Understandably, and regardless of the category of literature, the greatest amount of research has been conducted on the Toronto and Montreal police departments. (See table 2). The police forces of cities such as Halifax, Regina,

Saskatoon, and Victoria have not been studied in a historical fashion.

Sources of Information

A variety of sources have been used to construct these histories. Even though

most researchers depend on other academic treatments, they also utilize government documents, including internal departmental and annual reports, correspondence among police chiefs and politicians, and "books or registers covering occurrences (incidents or persons encountered on patrol or responding to a call), data from police courts, charges (arrests and summons), personnel (duty rosters, pay and personal information) and equipment."³⁴ Relevant materials include "records of magistrates' courts, jails and prisons,"³⁵ which can be found in their respective municipal, provincial, and national archives. Finally, researchers often depend on newspaper and magazine articles, which are often microfilmed and located at local universities or public libraries.

Some police departments have archives, of varying public accessibility. For example, the Metropolitan Toronto Police has an archives, but I found this material very difficult to use, largely because the department erects many bureaucratic obstacles to free access. Alternatively, some law enforcement agencies deposit their archival materials in municipal and provincial archives, but it may take a long time for this material to be catalogued and available to researchers. In other words, academic historical research on police departments in Canada is, in part, dependent on the whims of individual police departments and administrators. Alternatively, material deposited at the provincial archives must fulfil freedom of information and privacy procedures until they are released to the public.³⁶ In any event, Marquis cautions that

Table 2: A Breakdown of Official, Academic Case Studies of Particular Forces, and Academic Case Studies of Subprocesses in Particular Forces

Official	Official	Academic (entire force)	Academic (subprocess)	Total
Toronto	1	1	9	11
Montreal	3		4	7
Hamilton	1		2	3
St. John (N.B.)	1		2*	3
Calgary			2	2
Edmonton	1		1	2
Quebec City	1		1	2
Vancouver	1		1	2
Amherst	1			1
Brantford			1	1
Charlottetown			1	1
Fredericton		1		1
Lethbridge	1			1
St. John's (Nfld.)			1	1
Sudbury	1			1
Stellarton	1			1
Thunder Bay	1			1
Winnipeg	1			1
Total	15	2	24	41

* One of these was researched and written by a team of academics and insiders.

When the researcher encounters a large body of detailed documentation, it is tempting to exaggerate the activity and influence of an institution. As a bureaucracy grows, the amount of docu-

mentation it produces, much of it of a housekeeping nature, proliferates. The great bulk of police work, unfortunately, went unrecorded, particularly in the smaller centres.³⁷

Finally, as Marquis observes, "Law enforcement statistics present a number of methodological challenges, particularly if one seeks to study regional patterns of criminality... Comparative Canadian criminal justice statistics prior to the 1960s are of dubious value."³⁸ Some of the variation can be explained by "Local custom, the personality of the police chief, the state of the economy, the extent of charity or social services and other variables [which] must be taken into account when using such statistics."³⁹

Conclusion

A number of strategies to improve the quality and amount of historical research on urban policing in Canada could be utilized. In general, more in-depth research will allow us to test hypotheses or even theories on the formation of police departments and particular processes that they engage in. First, more work needs to be conducted on individual police departments. As mentioned earlier, there are a number of large police forces that lack of official or academic treatments of their history. Second, official histories of departments should be counterbalanced with academic efforts in order to provide a different perspective. Third, a national strategy, such as a documentation plan, developed by specialists in this area of research, might be formulated in order to target the police departments most in need of study. Fourth, there needs to be better access to official sources of information on police in particular jurisdictions, especially those that have been ignored. Finally, now that a number of case-studies of particular forces have

been completed, we need to encourage researchers, who work in this area, to conduct comparative case-studies to test existing hypotheses on police development and activities.

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Points of view in this article are those of the author and do not necessarily represent the views of the U.S. Department of Justice or the National Institute of Justice.

Notes

1. *Relative* in this sense refers to other Anglo-American democracies such as Great Britain and the United States. This perception is echoed by G. Marquis (1994b), "Towards a Canadian Police Historiography," in S. Binnie and L. Knafla, eds., *Law, State and Society: Essays in Modern Legal History* (Toronto, 1994).
2. W.H. Kelly and N. Kelly, *Policing in Canada* (Toronto, 1976).
3. See, for example, R.A. Loreto, "Reorganizing Municipal Police Forces in Ontario" (Ph.D. dissertation, University of Toronto, 1984); C. Griffiths and S.N. Verdun-Jones, *Canadian Criminal Justice* (Toronto, 1994), 66-67.
4. Griffiths and Verdun-Jones, *Canadian Criminal Justice*, 64.
5. See, for example, C.D. Shearing, J. Lynch, and C.J. Mathews, *Policing in Canada: A Bibliography* (Ottawa, 1979); K. Hart, "An Annotated Bibliography of Canadian Police History, 1654-1894" (Master's thesis, University of Alberta, 1985).
6. T.W. Acheson, *Saint John: The Making of a Colonial Urban Community* (Toronto, 1985); H. Boritch and J. Hagan, "Crime and Changing Forms of Class Control: Policing Public Order in Toronto the Good, 1859-1955," *Social Forces* 66 (1987), 307-35; H. Boritch, "Conflict, Compromise and Administrative Convenience: The Police Organization in Nineteenth Century Toronto," *Canadian Journal of Law and Society* 3 (1988), 141-174; D. Brundage, *Pride in the Past: City of Edmonton Police Department, 1894-1982* (Edmonton, 1982); J. H. Carpenter, *The Badge and the Blotter: A History of the Lethbridge Police* (Lethbridge, 1975); H. S. Cooper, "The Evolution of Canadian Police," in W. T. McGrath and M. P. Mitchell (Eds.) *The Police Function in Canada* (Toronto, 1981), 37-52; P. Craven, "Law and Ideology: The Toronto Police Court, 1850-1880," in D. Flaherty (Ed.) *Essays in Canadian Legal History* Vol. II, (Toronto, 1982), 249-307; J-P Gilbert, "La Professionnalisation de la police dans une société industrielle complexe: étude de cas de la police de Montréal," Dans: Société de criminologie du Québec. *Quatrième colloque de recherche sur la délinquance et la criminalité* Compte rendu, (Montreal, 1964), 385-409; J-P. Gilbert, "La Police à Montréal: étude monographique de la professionnalisation des services de la police," (Masters Thesis, University of Montreal, 1965); E. J. Godseil, "Value changes among St. John's Police Force," (Masters Thesis: Memorial University of Newfoundland, 1973); A. Greer, "The Birth of the Police in Canada," in A. Greer and I. Radforth (Eds.) *Colonial Leviathan: State Formation in Mid-19th Century Canada* (Toronto, 1992), 17-49; Hamilton Police Department, *A Centennial Profile of the Hamilton Police Department* (Hamilton, 1967); L. Harkness, *History of the Amherst Police* (Sackville N.B., 1989); E. G. Higgins, *Twelve O'Clock and All's Well: A Pictorial History of Law Enforcement in the Sudbury District 1863-1878* (Sudbury, 1978); G. Homel, "Denison's Law: Criminal Justice and the Police Court in Toronto, 1877-1921," *Ontario History*, 72, (1980), 171-186; R. Hutchinson, *A Century of Service: A History of the Winnipeg Police Department* (Winnipeg, 1974); Kelly and Kelly, *Policing in Canada*; J. Kiederowski, "Police Promotions: A Study of the Brantford Police Department," (Masters Thesis, University of Ottawa, 1983); G. Marquis, "The Police Force of Saint John, New Brunswick, 1860-90," (Masters Thesis, University of New Brunswick, 1982); G. Marquis, "A Machine of Oppression Under the Guise of the Law: The Saint John Police Establishment," *Acadiensis* 16, (1986), 58-77; G. Marquis, "Working Men in Uniform: The Early Twentieth Century Toronto Police," *Histoire Sociale/Social History* 20, (1987), 259-277; G. Marquis, "The Early Twentieth Century Toronto Police Institution," (Ph.D. Dissertation, University of Toronto, 1987); G. Marquis, "Enforcing the Law: The Charlottetown Police Force," in D. Baldwin and T. Spira (Eds.) *Gaslights, Epidemics and Vagabond Cows: Charlottetown in the Victorian Era* (Charlottetown, 1988), 86-102; G. Marquis, "Police Unionism in Early Twentieth Century Toronto," *Ontario History* 81, (1988), 109-128; G. Marquis, "The Police as a Social Service in Early Twentieth Century Toronto," *Histoire Sociale/Social History* 25, (1992), 335-35; Marquis, "Towards a Canadian Police Historiography"; M. McCulloch, "Most Assuredly Perpetual

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Motion: Police and Policing Quebec City, 1838-58," *Urban History Review* 19, (1990), 100-112; P. McGahan, W. Higgins, and G. Wallace, *The Saint John Police Story: The Clark Years, 1890-1915* (Fredericton, 1991); G. Megeney, *History of the Stellarton Police, 1889-1989* (Stellarton, N.S., 1991); B. Rawlings, "Technology and Innovation in the Toronto Police Force, 1875-1925," *Ontario History* 80, (1988), 53-71; N. Rogers, "Serving Toronto the Good: The City Police Force," In V. Russell (Eds.) *Forging a Consensus: Historical Essays on Toronto* (Toronto, 1984), 116-140; E. K. Senior, "The Influence of the British Garrison on the Development of the Montreal Police, 1832-1853," *Military Affairs*, 43, (1979), 63-68; Service de la police de Montréal, "Historique du service 1796-1909," (Montréal, 1971); J. Swan, *A Century of Service: The Vancouver Police, 1886-1986* (Vancouver, 1986); C. K. Talbot, C. H. S. Jayewardene, and T. J. Juliani, *The Thin Blue Line: An Historical Perspective of Policing in Canada* (Ottawa, 1983); C. K. Talbot, C. H. S. Jayewardene, and T. J. Juliani, "Policing in Canada: A Developmental Perspective," *Canadian Police College Journal* 8, (1984), 218-288; C. K. Talbot, C. H. S. Jayewardene, and T. J. Juliani, *Canada's Constables: The Historical Development of Policing in Canada* (Ottawa, 1985); T. Thorne, "The Not-So-Peaceful Kingdom: Crime and Justice in Frontier Calgary," In A. W. Rasporich and H. C. Klassen (Eds.) *Frontier Calgary: Town, City and Region, 1875-1914* (Calgary, 1975), 100-113; T. Thorne and N. B. Watson, "Keeper of the King's Peace: Colonel G. F. Sanders and the Calgary Police Magistrate's Court," *Urban History Review* 12, (1984), 45-55; *Toronto Metropolitan Police, A Brief History* (Toronto, 1978); G. V. Torrance, *The History of Law Enforcement in Hamilton, 1833-1967* (Hamilton, 1968). J. Turmel, *Police de Montréal: historique du service, Vol. I, 1796-1909* (Montréal, 1971); J. Turmel, *Police de Montréal: historique du service, Vol. II, 1909-1971* (Montréal, 1974); J. Turmel, "La Service de Police de la Cité de Montréal (1909-1971)," (Masters Thesis, University of Montreal, 1974); J. C. Van Houtte, *Historique du service de police de la ville de Québec* (Québec, 1976); J. Weaver, "Social Control, Martial Conformity and Community Entanglement: The Varied Beats of the Hamilton Police, 1895-1920," *Urban History Review* 19, (1990), 113-127; P. Worrell, *Policing the Lakehead, 1974-1988* (Thunder Bay, 1989); Magazine and newspaper articles on the history of municipal police in Canada were not included.

7. These include year work was completed/ printed/published, city examined, category of research, type of case study, subprocess examined, and type of publication.

8. "Completed" in this sense includes such material as masters and doctoral dissertations.
9. It must be acknowledged that there are also contributions that discuss crime and criminal justice processes which, in passing, discuss policing in particular jurisdictions (e.g., G. Marquis, "The Contours of Canadian Urban Justice, 1830-1875," *Urban History Review* 15, (1987), 269-273; G. Marquis, "The History of Policing in the Maritimes Provinces: Themes and Prospects," *Urban History Review* (1990), 19, 84-99.
10. See, for example, Griffiths and Verdun-Jones.
11. See, for example, R. A. Loreto, "Policing," in R. A. Loreto and T. Price, eds. *Urban Policy Issues: Canadian Perspectives* (Toronto, 1990), 207-239.
12. See, for example, H. S. Cooper, "The Evolution of Canadian Police," In W. T. McGrath and M.P. Flaherty, eds. *The Police Function in Canada* (Toronto, 1981), 37-52.
13. See, for example, B. Chapman, "The Canadian Police: A Survey," *Government and Opposition*, 12, (1977), 496-516.
14. Kelly and Kelly, *Policing in Canada* (Toronto, 1976).
15. D. Force, *Policing Canadian Society* (Toronto, 1992), 47.
16. Chapman, "The Canadian Police: A Survey"; Cooper, "The Evolution of Canadian Police."
17. Talbot et al., *The Thin Blue Line* (Ottawa, 1983); Talbot et al., *Urban Centurians* (Ottawa, 1984); and Talbot et al., "Policing in Canada"; T.J. Juliani, C.K. Talbot, and C.H.S. Jayewardene. "Municipal Policing in Canada," *Canadian Police College Journal*, 8, (1984), 315-385. Two of these citations were not included in the data base to minimize double counting.
18. Talbot et al. *Canada's Constables* (Ottawa, 1985).
19. Greer, "The Birth of the Police in Canada".
20. Some of the problems with the historical research include "a recent history of Canadian crime and criminals, [which] oddly enough, totally ignores the police" (Marquis, "Towards a Canadian", 1994).
21. Marquis, "Towards a Canadian", 5.
22. See, for example, Carpenter, *The Badge and the Blotter*, Marquis, 1994, 5.
23. *Ibid*, Marquis, 1994: 5.
24. *Ibid*, 5.

25. *Ibid*, 8.
26. *Ibid*, 8.
27. Acheson, *Saint John: The Making of a Colonial Urban Community* (Toronto, 1985); Gilbert, "La Professionalisation de la police"; Gilbert, "La Police à Montréal"; Godsell, "Value changes among St. John's Police Force"; Homel, "Denison's Law"; Marquis, "The Police Force of Saint John"; Marquis, "A Machine of Oppression"; Marquis, "The Early Twentieth Century Toronto Police Institution"; Marquis, "Enforcing the Law"; McGahan et al., *The Saint John Police Story*; Rogers, "Serving Toronto the Good"; Service de la police de Montréal, "Historique du service"; Swan, *A Century of Service*; Thorne, "The Not-So-Peaceful Kingdom"; Turmel, *Police de Montréal, Vols. I et II*; Turmel, "La Service de Police"; Van Houtte, *Historique du service*.
28. This is a residual category for material which does not easily fit into comprehensive treatments, nor historical case studies of individual police forces.
29. R.R. Roberg & J. Kuykendall, *Police & Society* (Belmont, CA: Wadsworth Publishing Company, 1993), 57-58.
30. See, for example, H. Boritch and J. Hagan, "Crime and Changing Forms of Class Control: Policing Public Order in 'Toronto the Good,' 1859-1955," *Social Forces* 66, (1987), 307-335; G. Marquis, "Working Men in Uniform: The Early Twentieth Century Toronto Police," *Histoire Sociale/Social History* 20, (1987), 259-277; Weaver, "Social Control".
31. Senior, "The Influence of the British Garrison"; McCulloch, "Most Assuredly Perpetual Motion".
32. Marquis, "Towards a Canadian Police Historiography".
33. See, for example, Marquis, "The History of Policing in the Maritimes"; Marquis, "The Police as a Social Service".
34. Marquis, "The History of Policing in the Maritimes", 85.
35. *Ibid*, 85.
36. Based on information supplied by anonymous reviewer.
37. Marquis, "The History of Policing", 85.
38. *Ibid*, 85.
39. *Ibid*, 86.

Land and People: Property Investment in Late Pre-Industrial Montréal

Robert C.H. Sweeny

with the collaboration of Grace Laing Hogg

Abstract:

Based on a systematic analysis of commutations, this article evaluates the historical significance of new findings on the value of real estate in Montréal in the 1840s. A series constructed from these notarial deeds indicates that property values in all parts of the city were high and that there was a major property cycle over the decade. An estimate of the importance of real estate investment reveals that it would have been substantially more important for both capital accumulation and class formation within the city than international trade. Prior to industrialisation, few popular class families could have afforded the purchase of either a home or a workshop. Property values and housing costs were so high relative to wages, they were a major reason contributing to the high levels of transience among the city's immigrant families and in part explain the rapid development of tenement housing in the wake of the great fire of 1852.

Mark Twain's father was clear: "Invest in land, they aren't making any more of it." It was good if not highly original advice, followed by many petit-bourgeois and bourgeois in nineteenth-century Western Europe and the largest urban centres of the Americas. There, investment in urban land was important and related to the family life cycle. Generally starting in middle age, bourgeois and petit-bourgeois males withdrew profits and capital from family businesses and invested it in real estate. This strategy both provided income in retirement and facilitated the generational transfer of management of the family firm.¹

The situation in pre-Confederation Canada, however, is not quite so clear. On the one hand, contemporary observers such as Edward Gibbon Wakefield and the founders of Canadian economic history, W.A. Macintosh and Harold Innis, agreed with Adam Smith. Colonies of settlement were characterized by an inversion of the classical relationship between land and labour. If in the countries of older settlement, land was dear and labour cheap, the reverse held true in British North America.² On the other hand, more recent scholarship argues that investment in real estate was one of the most significant types of investment in pre-industrial British North America and that the ethnicity of these investors more accurately reflected the complex national composition of colonial society than did the staple trades.³

Establishing the significance of real estate as a form of investment in pre-Confederation Canadian cities is not an easy task. Ironically, the ubiquitous nature of investment in real estate is, for the historian, part of the problem. Broadly speaking, two alternatives present themselves: first, a detailed analysis of land transactions and, second, recourse to a surrogate series provided by the tax rolls.

Both alternatives pose problems. Constructing a complete series of land transactions for a city would not only be highly labour intensive, but to extrapolate from such a necessarily limited series of market values, the value of all revenue from real estate for the whole city, would be fraught with difficulties. It is understandable, therefore, why historians have treated municipal tax assessment rolls as the primary source for the study of urban property. The assessed values on nineteenth-century municipal tax rolls were not, however, market values. They were the result of complex political processes and so the gap between assessed and market values within a given roll varied according to both the type of property and the relative influence of differing groups of property owners in the political process that controlled the tax system.⁴

Fortunately for at least one British North American city, Montréal, there is an alternative. In 1840, as part of a general restructuring of property relations carried out in the wake of the repression of the national democratic rebellion of 1837-38, an experiment in land tenure was initiated in Montréal.⁵ Known as commutation, this new process allowed for the transformation of use rights to a property held under feudal tenure into *franc alleu*, a French equivalent to English free and common socage. Each commutation generated a notarized deed and these documents provide a unique, albeit partial, description of property holdings and values for mid-nineteenth-century Montréal. This article presents the results of our preliminary analysis of a series constructed from a detailed investigation of all the deeds of commutation for the island of Montréal.⁶

Commutation should not be confused with abolition. The decision to commute land was made by the *censitaire*, the owner of the use rights to a property. The

Résumé:

Se basant sur une analyse systématique des commutations de régimes de propriété, cet article évalue l'importance historique des nouvelles découvertes qui ont été faites relativement à la valeur des propriétés à Montréal dans les années 1840. Une série conçue à partir de ces actes notariés indique que la valeur des propriétés était élevée dans tous les secteurs de la ville et qu'il y a eu, au cours de cette décennie, un important cycle immobilier. D'après une évaluation du volume des investissements immobiliers, ceux-ci auraient, bien plus que le commerce international, contribué à l'accumulation des capitaux et à la formation de classes sociales à l'intérieur de la ville. Avant l'industrialisation, peu de familles des classes populaires auraient eu les moyens d'acheter soit une maison soit un atelier. La valeur des propriétés et le coût du logement étaient si élevés par rapport aux salaires qu'ils ont beaucoup contribué à accroître le nombre de déménagements chez les familles immigrantes de la ville. Ces facteurs expliquent également, en partie, le développement rapide du logement locatif à la suite du grand incendie de 1852.

Sulpicians, as *seigneur*, could not refuse a request for commutation, although they could demand payment of outstanding feudal dues in addition to the fee paid, as compensation for their loss of feudal privileges. This fee varied according to the value of the property and when the commutation took place. In all cases, however, the payment was based on a percentage of the mutually agreed upon value of the property, including any buildings or improvements.⁷ The value established for purposes of the commutation was therefore a compromise between the conflicting interests of the two parties. Not only was this process analogous to an actual sale of a property, but from the mid-1840s onward the parties increasingly and explicitly relied upon the market value of the property, as established by recent sale prices, to establish its value for purposes of commutation.

The Historical Logic of Commutation

The distribution of commutations was uneven across both the city and the island. Relatively few farms beyond the city limits were commuted, while urban commutations were disproportionately concentrated in three areas: the central business district of the former walled city, the area adjacent to the Lachine Canal in Ste-Anne ward, and in St-Laurent ward northwest of the old city. While not unusual, commutation was much less frequent in the suburbs to the west, north, and northeast of the old city. It is important to understand why there was such an uneven distribution of commutations. Why did some *censitaires* and not others chose to commute their properties? In short, what was the historical logic of this process?

In the countryside outside the parish limits of Notre Dame de Montréal, only 251 properties were commuted by 1852. These properties tended to be either urban lots in the villages of Pointe-aux-

Trembles and St-Michel de Lachine, or farms owned by city residents. If the choice by the island's peasantry not to commute their farms was clear, its meaning remains a matter of debate. How are we to interpret this strong demarcation between town and country? Was this reticence due to a particular attachment to the seigneurial regime by most peasant families? We think not. Rather, we interpret this choice as a form of passive resistance to an imposed system of commutation involving substantial compensation payments to the *seigneur* by *censitaires* for improvements these families had made to their own land. Furthermore, their resistance bore fruit: in 1854, when commutation was extended to the rest of the seigneurial lands, the state assumed a significant part of the financial burden.

While most commutations were in the city itself, there, too, people willing to pay the Sulpicians for their privileges were in a distinct minority. By the spring of 1852, fully three-quarters of all urban properties had yet to be commuted. From a high of half the properties in Ste-Anne ward to a low of only a tenth in St-Louis ward, there was a marked variation in recourse to commutation across the city. Brian Young has argued the reason for this variation is to be found in the concerted political campaign for commutation led by the city's most important landowners. In short, he equated commutation with capitalist development.⁸ This explanation does not stand up to close scrutiny. Although certain large property owners did chose to commute their lands, most did not. A common strategy among many of the largest property developers, particularly the long-established rentier families, was simply to leave the substantial cost of commutation to be assumed by the eventual purchasers of lots in their subdevelopments. It was a sensible strategy; since unsold land in their subdevelopments remained family property,