

The colonial magistrates at the time of the first colonial empire (around 1500 - 1800):
statutes, careers, influences

Study Day (December 14, 2018)

While the colonial magistrates of the second colonial empire (19th-20th centuries) were the subject of in-depth studies. Thus, in his recent history of French judges, B. Garnot does not mention them in his section devoted to the Old Regime (History of judges in France from the Old Regime to the present day, Paris, 2014).

The magistrates of New France have certainly been the subject of work by Quebec historians (or more largely Canadian historians) (Dictionary of biography online Canada - A. Lachance, The criminal justice of the king in New France. Officers, Quebec, 1978 - P.-G. Roy, Councilors to the Sovereign Council of New France, Ottawa, 1915, reprint 1994) and their British counterparts after the 1763 Conquest interested historians until the end of the colony status of Canada (1867) (D. Fyson, Magistrates, police and society, ordinary justice in Quebec and Lower Canada (1764-1837), Montreal, 2010).

On the other hand, colonial historians and historians of law specialized in the history of colonial law (and colonial institutions) have not been so keenly interested in judicial personnel during the Old Colonial Regime (towards 1500 - 1800) in a "colonialist" perspective, both in terms of the specific statutes (for example, venality against the absence of venial charges in the French colonies) and appointment processes, careers, genealogies, influence of judicial officers on judicial practices, etc., not to mention that on the law and its evolutions, a theme addressed, but not exhausted (E. Wenzel, E. de Mari (eds.), Adapting the law and rendering justice in the colonies *Thémis Overseas* (XVI-XIXth century), Dijon, EUD, 2015 David Gilles, "The actors of the colonial norm versus the metropolitan right: from adaptation to appropriation (Canada XVII-XVIII s.) ", *Clio @ Themis*, No. 4, 2011, online).

Law and justice in the colonies of modern times are certainly related to the functions, activities, strategies (career, family, economic) of those who were then in charge of concretizing the noblest of the prerogatives of the King of Justice just like their counterparts in the metropolises of old Europe. What influence of the magistrates on the process of domination that characterizes any colonial system (and the subsequent choice of the election in the United States - 1812)? What links does judicial staff have with colonial society, and more widely with the colonial system? What looks do they have on civil society, colonial authorities, political power?

In this history of the former colonial magistracy, colonial spaces undoubtedly deserve a particular attention, especially the officers of justice who exercised in the Indian Ocean (English and French Indies, Mascarenes, or even the Caribbean. North America is certainly also a vast colonial space to be cleared or re-studied (French Louisiana, with the Illinois Country, Thirteen English colonies, neighboring Dutch colonies), besides a colony like that of the Australia, the immense Spanish and Portuguese America, or even the Dutch Indies and the Iberian colonies in South-East Asia? Do these vast spaces have specificities specific to each of their places: is being a judge in Lima so different from being posted in Mexico City before the independence of these territories? The history of colonial law and, more broadly, that of the colonies of the First colonial system also depend on a better understanding of the actors of the colonial fact: among them, alongside, and in addition to (and sometimes in opposition to) administrative or political personnel Magistrates deserve special attention to better understand this complex reality that *Themis* has been overseas.

This study day continues indeed a vast building site on the history of the colonial law engaged by

the UMR 5815 CNRS / University of Montpellier: after having to pay attention on the colonial judicial practices and the adaptation / appropriation law in and by the colonies (Thémis overseas 1 - 2014), then to the study of the justices of exception in the colonial spaces (Thémis overseas 2 - 2016), this new field of research on the colonial judicial society is open to all academic specialties interested in the phenomenon of justice and law in colonial lands (historians, legal historians, civilizationists, even genealogists and geo-historians). It is therefore resolutely multi-disciplinary and interdisciplinary.