

Light is shed on the question by the legislation of the new Province of Upper Canada—the name District of Hesse was changed in 1792 by the Act 32 George III, c. 8 to the Western District, and Sec. 13 of that Act directed “that a Gaol and Court House for the Western District” should be built “as near to the present Court House as conveniently may be.” The Act 39 George III, c. 3 passed in 1794, by Sec. 2 provided that the new District Courts instituted by the Act should be holden “in the respective town, township or place wherein the Court House for the District is directed to be built excepting in the Western District where the said Court shall be holden in the town of Detroit.” This makes it quite clear that the Court House was not at Detroit.

The Courts of Oyer and Terminer sat also at L'Assomption at least, sometimes.

That the Courts of Quarter Sessions sat at Detroit from 1793 till it was given up in 1796 is certain—the Act 33, George III, c. 6 provides by Sec. 4 “that the Courts of General Quarter Sessions of the Peace for the Western District of the Province shall commence and be holden in the town of Detroit”—so also, as we have seen, did the new District Court.

This, too, came to an end—in 1796 the Act 36 George III, c. 4, directed the two courts, Quarter Sessions and District Court, thereafter to be holden in the Parish of Assumption (Sandwich) until such time as the Magistrates should think it expedient to remove and hold the same nearer to the “Isle of Bois Blanc.”

The Clerk of the Court.

Thomas Smith was of Welsh birth. A man of some education, he had been useful to the Royalist cause before Burgoyne's campaign; he drew plans of the fortifications on the Mohawk River for the purposes of the Royalists.

In 1776 we find him coming to Niagara with information concerning the revolting colonists: he then proceeded to Detroit. From July, 1776 till April 1777 he was Captain in the Indian Department but resigned, apparently on account of the uncertainty of advancement, “at that time without any regard to persons or merit.” Thereafter he served in the Militia at Detroit as second in command under Colonel McGregor until the peace of 1783. During this time he took part upon all occasions where active service was required. He says that in the hard winter of 1780 when no person could be found to go express from Detroit to Niagara in order to carry intelligence of the movements of the enemy, he volunteered and “performed that fatiguing journey upon snowshoes.”

He does not seem to have received a commission in the army after the reorganization of the Militia following the Peace of 1783, but he was employed for more than two years in locating the disbanded Rangers and other Loyalists at Detroit, who had been waiting for the lands which had been promised them on their enlistment. He acted as