

the Court of King's Bench; he left for Lower Canada immediately after the passing of the Act and became Chief Justice of that Province.

The Court of King's Bench was to consist of the Chief Justice of the Province and two puisne justices. William Dummer Powell (afterwards Chief Justice of the Province), who was the first and only Judge of the Court of Common Pleas for the District of Hesse, with his residence at Detroit, and the place of sitting of his Court at L'Assomption (now Sandwich), was appointed a Puisne Justice and came to Newark. No other puisne justice was appointed for four years, and a new Chief Justice did not arrive till 1796; but there was at Newark an officer of the Crown willing and ready to take any office so long as there was money in it, and quite irrespective of any qualifications on his part. The Honourable Peter Russell, the Receiver-General,⁵ who was so ignorant of law that he expressed his wonder at there being an even number on the jury, received from time to time a temporary commission to sit as a puisne justice and until January, 1797, Powell, sometimes alone and sometimes with Russell, held Court at Newark.

But from the first it was understood that the territory to the right of the middle line of the Lakes and Rivers would be given up to the United States; and Simcoe set himself to determine a permanent capital. He fixed a site at the Forks of the La Tranche River—the River was renamed the Thames, and the site of the proposed capital, London—Simcoe rather expected that the Province would ultimately be divided and London be the Capital of the Western part. He was led to select this place from its distance from the American border—the citizens of the new Republic were truculent, and there was always a real danger of their invading the British Province, a danger which became actual in 1812.

⁵ The current gibe ran that Russell was called Receiver-General because he was generally receiving; all the contemporary correspondence, etc., indicate that if he was not receiving, at any time, it was because there was nothing to receive.