

being disposed of by a simpler procedure. This simpler and summary procedure was abolished in 1792 by the Statute, 32 George III (U.C.), c. 4, on the introduction of trial by jury in all civil cases, 32 George III (U.C.), c. 2. But debts of 40 shillings and under, Quebec currency (i.e. \$8), were made suable before Magistrates in Courts of Requests, provided for by c. 6 of the same Statute. In 1794, the first Parliament of Upper Canada in its third session, 34 George III, c. 2, abolished the Courts of Common Pleas altogether, created an entirely new Court of King's Bench, removed all cases pending in the Common Pleas into the King's Bench; and also all the records of the several Courts of Common Pleas were made records of the King's Bench. No doubt this provision accounts for the note-book to which I have referred being used afterwards in the King's Bench in Term.

The Act of 1794 provided for one Chief Justice and two puisnes. William Osgoode had already been in the Province of Upper Canada for some time with a Commission from the King as Chief Justice; Powell was made a puisne Justice the day of the Act being approved, 9th January, 1794; and the Hon. Peter Russell, a Legislative Councillor, received a Commission several times in a temporary emergency; but a second permanent puisne was not appointed until November 30th, 1798, when Henry Alcock became the junior puisne.

It is time now to return to the Court at L'Assomption. In all the cases tried I can find a reference to only one Attorney,* Walter Roe; he appears for the plaintiff in most of the cases. When he does not appear we find Charles Smyth "acting by procuration for the plaintiff," or sometimes the plaintiff in person. Thomas Smith† was the Clerk.

*Walter Roe was during the Revolutionary War, Warrant Officer in the Marine Department. He was afterwards, in 1790, given Lot No. 25 in the Two Connected Townships (afterwards Colchester and Gosfield). He was practicing at the bar in the Courts at the time of the passing of the Act of 1797, 37, Geo. III (U.C.), c. 13, establishing the Law Society of Upper Canada, and was accordingly qualified to become a member. He did so, being the third person to sign and immediately after the Attorney-General John White and the Solicitor-General Robert I. D. Gray. He appeared in the K.B. in Term at least once, July 17, 1797. In Michaelmas Term, 59 George III, Nov. 10th, 1818, at a Trial at Bar before Powell C. J., Campbell & Boulton JJ., of an action in ejectment, *Doe dem. Dickson v. Penfield*, Mr. Roe was called as a witness but did not answer. The jury found for the plaintiff (William Dickson).

†Thomas Smith was a loyalist of Welsh birth. In 1776 he came to Niagara with intelligence concerning the revolting colonists; and afterwards settled in Detroit. After the Peace he was, in 1789, made Clerk of the Land Board of the District of Hesse with Headquarters at Detroit—this situation he lost the next year. He had previously acted as Deputy-Surveyor from 8th May, 1787, and continued to act to 1st August, 1789. He received in 1790, 200 acres of land, Lot 30 in the First Concession of the Two Connected Townships. He seems to have been accused of