

territory which was afterwards to be Upper Canada and including the Detroit region, into four Districts, Luneburg, Mecklenburg, Nassau and Hesse, the last named being the most westerly, stretching from Long Point on Lake Erie and comprehending "all the residue of our said Province in the Western or inland parts thereof, of the entire breadth thereof from the Southerly to the Northerly boundaries of the same." He says in a letter to Sydney, November 8th, 1788, "the three districts of Luneburg, Mecklenburg and Nassau are inhabited only by the loyalists or old subjects of the Crown": in the same letter he says, "Some (of the Canadians or new subjects) are also found in the Districts of Gaspé and Hesse."

A Court of Common Pleas was established in each District: and July 24th, 1788, Messrs. Dupéron Baby, Alexander McKee and William Robertson were appointed Justices of the Court of Common Pleas for the District of Hesse—all Detroit men, the first a "Canadian." Thomas Smith was the same day appointed Clerk of the Court as well as Clerk of the Peace and of the Sessions of the Peace. Eight gentlemen were appointed Justices of the Peace, four "Canadians" and four "old subjects."

The appointments to the Bench of the Civil Court were not received with approval by the citizens of Detroit. Baby and Robertson were merchants (the former the only French-Canadian merchant in that settlement). They were "extensively interested in trade, and discussions respecting property connected with it must, nine times out of ten, affect them either immediately or circuitously." Moreover, those interested wanted a Judge and the "professions of Judge and Merchant combined in the same person are wholly incompatible." "Much of the commercial prosperity of the nation is at stake in this District perhaps as much as in all others combined and from the hazardous nature of the trade, a proper judicial establishment is essentially requisite to give any security to it. But that security can only be obtained by the appointment of at least one person of professional abilities and character with a salary depending neither on perquisites nor the voluntary contributions of Individuals." A petition from which I have been quoting was signed by some thirty-four inhabitants of Detroit—all "old subjects." M. Baby having been named one of the Judges did not think it proper for him to sign, and "the rest of the (French) Inhabitants are not concerned in trade, being for the greatest part planters who consider themselves but very little concerned in law." Robertson, who as well as Baby, refused the appointment, signed the Petition (which probably was written by him) and sent a letter to the Honourable William Smith, Chief Justice of the Province, setting out the objections to the Court and recommending the appointment of one Judge learned in the law. He and Baby brought the Petition to Quebec and urged it upon the Governor. He gave evidence, October 24th, 1788, before a Committee of the Council to whom the matter was referred: and that body was convinced of the justice of the petition.