

## THE "FIRST JUDGE" AT DETROIT AND HIS COURT.

---

BY THE HONOURABLE WILLIAM RENWICK RIDDELL, LL. D., F. R. HIST.  
SOC., &c., JUSTICE OF THE SUPREME COURT OF ONTARIO.

---

In March, 1789, William Dummer Powell, a lawyer practising in Montreal, was appointed "First Judge" of the Court of Common Pleas for the District of Hesse: and shortly thereafter came to Detroit. It is of him and his Court that I would speak—but first a word or two of the times prior to his appointment.

When in 1759-60, Canada passed from under the French Crown, her extent toward the West was ill-defined but of course the French territory included Detroit. The Articles of Capitulation, Sept. 8, 1760, between General Amherst, Commander-in-Chief of the British forces, and Marquis de Vaudreuil, Governor of Canada, provided by Article III that the French troops "who are in Our posts situated on Our frontiers . . . at Detroit, Michilimaquinac and other posts" should have the honours of war but were not to serve during the war—such of them as remained in Canada were not to be carried into other British territory, Article XXXIX. By the Treaty of Paris, February 10th, 1763, Article IV, the King of France "cedes and guarantees to His . . . Britannick Majesty, in full right Canada, with all its dependencies . . .", and His Britannick Majesty agreed to allow French inhabitants and other French subjects to withdraw in safety and freedom wherever they might think proper, but within eighteen months of the ratification of the Treaty.

By this Treaty, Detroit and its surrounding Country passed definitively under the British Crown.

Detroit had been known for about a century—in 1686 a fort had been built at Fort Gratiot but it had been abandoned. Then in 1701 Cadillac with a priest and some hundred men established a fort on what is now Jefferson Avenue, Detroit. His men occupied the adjoining country; and the settlement increased. At the time of the Conquest in 1760, Major Rogers (the original of Fenimore Cooper's Leather Stocking) who had been commissioned to take over the conquered territory to the West, found the population of Detroit and its neighborhood to be about 1,000, the settlement running along the river several miles.

The Royal Proclamation of October 3rd, 1763, divided the territory