

Powell sat as the first Judge and exercised civil jurisdiction with his headquarters at Detroit. In addition to this, he received, more than once, a Commission of Oyer and Terminer and General Gaol Delivery under which he sat to try criminal cases. He was to sit under such a commission in Kingston about the time the Act, 31 George III, c. 31, dividing Quebec into Upper and Lower Canada came into force and it was feared that he might refuse to sit in consequence of certain irregularities; he did not refuse to sit but showed his good sense by ignoring technicality.

Before this date he had been appointed to the Court of Common Pleas for the Hesse District; he arrived at Detroit in June, 1789, and seems to have opened his Court at L'Assomption (Sandwich) July 16th, of the same year.

In the practice of this Court a distinction was made between claims under £10 sterling and those £10 and over—the smaller claims

to say two of our natural born subjects of Great Britain, Ireland, or our other Plantations, and one Canadian." This course he had followed in his appointments to the Courts at Montreal and Quebec—and he adopted the same principle for Detroit.

Alexander McKee, a native of Pennsylvania, had been from 1772 on, Deputy-Agent of Indian Affairs at Fort Pitt (Pittsburg) and was undoubtedly enthusiastically loyal to the Crown. He was a J.P. and carried on a large and lucrative business before the outbreak of hostilities between the Colonies and Motherland—imprisoned by General Hand in 1777, he was released on parole—being threatened with imprisonment the following year, he made his escape to Detroit with Simon Girty and others. Thereafter he took a most active part on the loyalist side and was made a Colonel. He went into business in Detroit and was appointed Deputy-Superintendent of Indian Affairs, afterwards in 1794 Superintendent-General. He was appointed in 1789 a member of the Land Board of Hesse and was granted land—he died in 1799.

William Robertson was also a resident of Detroit—he became a member of the Land Board which held its meetings for some time at his house. He sat on the Board till August, 1790, when he left for England. His name appears as heading the list of the Land Board of the late District of Hesse to be limited to the Counties of Essex and Kent only—being now the Honourable William Robertson—but he did not attend any meetings of that Board. He had been appointed a member of the Legislative Council of Upper Canada in 1791, but never was sworn in, nor did he come to Canada to take his seat. He resigned shortly afterwards.

Dupéron Baby was of an old French-Canadian family; born in 1738, he became a prominent citizen of Detroit and a trader of great enterprise. He also was appointed a member of the Hesse Land Board, and rendered valuable services in interpreting. He died at Sandwich in 1796.

These appointments were very unpopular, for one reason because the appointees were not lawyers: a protest was drawn up and Robertson and Baby carried this to the Governor of Quebec, presenting it October 24th, 1788. It was pointed out that Robertson and Baby were so extensively engaged in trade—Baby being the only French fur trader—that they would be personally interested in ninety per cent. of the cases—and it was suggested to create a Court of Common Pleas with one Judge, a lawyer, who would devote all his time to the duties of the office. This was done—the former appointees never acted—and Powell was the first Judge as we have said.