

with Provincial jurisdiction—and it has been in substance continued in various forms until now it is merged in the present Supreme Court of Ontario.

The Court of King's Bench was to be "holden in a place certain," that is in the city, town or place where the Governor or Lieutenant-Governor shall usually reside, and until such place be fixed, the said Court shall be holden at the last place of meeting of the Legislative Council and Assembly."

When Upper Canada began her Provincial life, the Definitive Treaty of 1783 between the Mother Country and her revolted colonies, now become the United States of America, had fixed the dividing line between their territories at the middle line of the Great Lakes and connecting rivers: but the United States had agreed that there should be no legal obstruction to the recovery by British creditors of their claims against American debtors in full. Certain of the States had passed legislation which prevented this being done and refused to repeal it; the United States could not carry out their agreement, and Britain kept possession of the lake and river forts—Michilliniackinac, Detroit, Buffalo, Niagara (east of the River Niagara), Oswegatchie, &c., &c. Simcoe, the first Lieutenant-Governor of Upper Canada, selected as his temporary residence and as the temporary Capital of the Province, the little hamlet West Niagara, Nassau, Butlersbury—it had all these names and more—he renamed it Newark, from Newark in New Jersey, with which he had been acquainted during the Revolutionary War, and called the Legislature together at that place, now the beautiful and interesting town of Niagara-on-the-Lake. That being the "place of meeting of the Legislative Council and Assembly," the Court of King's Bench must sit there. Osgood, our first Chief Justice, never sat in

³ Everyone will remember the provision of Magna Carta, Cap. XVII—"Communic placita non sequantur curiam nostram sed teneantur in aliquo certo loco"—the provision as to the place of holding the Court of King's Bench in Upper Canada is in sec. 1 of the Act, *ad fin.*

⁴ The "United States of America" could not at that time be spoken of as an entity in the singular; it is only of comparatively recent years that the United States can be spoken of as "it"—I think the present President was the first to use the pronoun "she" of his country.