

Debtors . . . His letter takes a month frequently coming down, the Summons issues and three months is the shortest space allowed for its return and according to the season four, five and six months is granted. The Summons goes up . . . some ignorant Person is appointed to serve it, he commits an error; so that when the writ is returned, the Service is found defective, and the only remedy then left to the plaintiff is to begin again—this happens at least three times out of five, but if perchance the Summons is returned properly served and that Judgment goes by Default, it then requires six months before the property of the Debtor can be seized upon at Detroit by virtue of an execution issuing on a Judgment so obtained, and even when Execution goes up it's of no avail unless the Commanding Officer of the Post interferes by affording Military aid to enforce it." The Report states that there are not less than forty suits a year above £10 Sterling by persons in Detroit against others in the same place and not above one-fourth have the desired effect, not to mention the very great expense for costs of suit—if a resident Judge were to be appointed there would be three or four hundred suits as well below or above £10 Sterling. The Report recommended the formation of a District separate from that of Montreal and composed of the Posts of Detroit and Michilimackinac, the establishing of a Court of Civil Jurisdiction therein to be called the Court of Common Pleas with similar jurisdiction to that of the other Courts of Common Pleas in the Province and presided over by one Judge whose judgment should be final upon to £50 Currency (\$200) with an appeal to the Court of Montreal when over that sum. The Governor did not follow this advice.

In this state of affairs it is no wonder that the Detroit Merchants formed themselves into an Association, each member of which signed a general Arbitration Bond binding himself to abide by the decision of Arbitrators in any dispute between them. Of course, no one could be compelled to implement his agreement; still, in most cases, the consequences of refusing to do so were so serious that the awards were obeyed "for those who would not obey could not recover debts and the commanding officer refused to grant them passes to go for their canoes to the Indian Country . . . People who lived in Detroit were compelled to submit or live there as outlawed." But as this was only "a local temporary expedient dictated by extreme necessity . . . possessing no coercive authority to carry its judgments into execution it could not answer the end of a Court of Judicature, although it "was better than none."

The needs of the inhabitants of Detroit were not overlooked: we find in the new Instructions to Sir Guy Carleton, now become Lord Dorchester, August 23rd, 1786, while there is no direction to establish an Inferior Court at the five Posts, there is a provision for the payment of one Judge (£100) and one Assistant or Assessor (£50) at each "of the above posts"—Detroit alone being specifically mentioned.

At length Dorchester by Patent dated July 24th, 1788, formed the