

and Justice" for that purpose. The "Quebec Act" of 1774 (14 Geo. III, c. 83) reintroduced the French law in Civil matters, leaving the English criminal law still in force.

The Royal instructions to Carleton, the Governor, advised him to constitute a Court of King's Bench for all Crown cases; and a Court of Common Pleas in each of the Districts of Montreal and Quebec to decide all civil suits and actions—further that in addition to these Courts for the Province at large, there should be an inferior Court of Criminal and Civil jurisdiction in each of the Districts of the Illinois, St. Vincenne, Detroit, Missilimakinac and Gaspée, with authority to determine all matters, civil and criminal—the Courts to be called the Court of King's Bench for such district, and each to have one Judge, a native born subject, and an Assistant or Assessor, a Canadian, to give advice to the Judge but to have no voice in the decision. The only limitation to the jurisdiction of these Courts was that in cases of Treason, Murder or other Capital Felonies, the local Court could only arrest and commit to the gaol at Montreal or Quebec for trial there. While these Courts were in that part of the Instructions called "Courts of King's Bench" they are in another part called "Courts of King's Bench and Common Pleas." Provision is made for the payment to the Judge of each of these five local Courts a salary of £100 and "to an assistant or assessor at each post . . . £50 per annum." This was in January, 1775.

Courts were accordingly established by Carleton in 1776 in Quebec and Montreal; but the troublous times of the Revolution then set in and Courts were a useless anomaly for the time being.

The Revolutionary War resulted in the loss of much of the western territory; and the five Courts were not necessary as most of the country they were intended to serve had ceased to be British. Therefore we find that in the Royal Instructions to Lord Dorchester of 23rd August, 1786, the provision for the salary of these Judges and assistants disappears. On July 24th, 1788, Dorchester issued a proclamation making a new District Gaspé to the far East and dividing all Canada west of what was afterwards called Lower Canada, into four Districts, Lunenburg (not Lundenburg as it is generally spelled), Mecklenburg, Nassau and Hesse—Hesse included Detroit. A Court of Common Pleas was established in each of these Districts—and it was in the Court of Common Pleas in and for the District of Hesse* in the Province of Quebec that

*This was not the first attempt to form a Court for the District of Hesse. Contemporaneously with the proclamation of July 24, 1788, Dorchester appointed as Justices of the Common Pleas the following gentlemen of Detroit: Alexander McKee, William Robertson and Dupéron Baby. In this he followed in principle the advice contained in sec. 15 of his instructions of 3rd January, 1775—he was there advised to erect in each of the Districts of Montreal and Quebec a Court of Common Pleas and "that there be three Judges in each of the said Courts of Common Pleas, that is