

the illness of the clerk of the Crown, the time should be enlarged for four day rules until to-morrow" and then adjourned till the morrow at 10 o'clock on Nov. 9th, "the court being informed by letter from the clerk of the Crown, Mr. Small, that he is too much indisposed to attend the court and requesting Mr. Cawdell may act as his deputy in court. It is ordered that the said Mr. Cawdell* do act in that capacity till the court shall make further order respecting the matter and either approve or disapprove of Mr. Small's appointment of a deputy." As nothing further is heard of the matter, it may be assumed that Mr. Small came back to his post, and that his deputy was in the meantime satisfactory.

Chief Justice Powell was born in Boston, Massachusetts, of an old Welsh family (Ap Howell). He was educated in England and called to the Bar of the Inner Temple. He took the loyalist side and went to Montreal some years before peace was declared in 1783. In that year, he took to London a petition signed by many of the English immigrants against having the French Canadian Civil law imposed upon them as has been done by the Quebec Act, 14 George III. c. 83 (1774). Returning to Canada he was employed by Lord Dorchester, the Governor-General, on several commissions, and was in 1789 appointed sole judge of the Court of Common Pleas which Dorchester had instituted for the District of Hesse. The headquarters of this court were at Detroit which till 1796 was part of Canada. The court also sat at L'Assomption which is now Sandwich, and the proceedings for a great part of the time the court was in existence are still at Osgoode Hall in the King's Bench vault. Powell was also made a member of the Land Board for Hesse, sitting at Detroit.

When in 1794, by 34 George III. c. 2, the Courts of Common Pleas were abolished and a Court of King's Bench was

*This, no doubt, is what is referred to in the index to Taylor's Reports, p. 530, "The court required that the appointment of deputy clerks of the Crown should be sanctioned by the court," Caldwell, ex parte. The decision nowhere appears in the body of the volume—and I have copied the official record, spelling and all.