

that Court. He resigned in 1856, and next year was knighted, and appointed a judge of the Court of Error and Appeal. He died in 1859, at Toronto, at the age of 66.

The result of the rule being made absolute was that the magistrates were compelled to pass sentence upon those convicted of a public nuisance.

A case a little earlier, in July 1823, may be mentioned here. There was a Presbyterian congregation at Lancaster or Williamstown, which desired a pastor. A number of the members signed a subscription paper promising to pay \$6 each per annum towards a minister's salary. A minister came out from Scotland on the faith of this promise, but some did not pay. Thereupon the elders and committee of the church sued one of them, Wood, in the Court of Requests; McIntyre was one of the commissioners who sat in the court: he was one of the elders of the church and one of those to whom the promise was made. McKenzie was another commissioner; he also was interested to the extent that he was bound to pay the minister's salary. McMaster the third commissioner was also interested, but refused to sit. McIntyre and McKenzie sat and gave judgment against Wood. An attachment was moved for against all three along with Alexander Fraser, a fourth commissioner, who did not sit at all. The court ordered an attachment to issue against McIntyre and McKenzie. They were brought from the other end of the province to Toronto at their own expense, a distance of nearly three hundred miles, and, making due submission, were discharged, but made to pay all the costs of the proceedings. See Taylor's Reports 1823-1824, pp. 21, 85, seqq.

There are many instances of certiorari for the purpose of quashing convictions: but these are not different, in substance, from what we see every day at Osgoode Hall at the present time.

Certain of the proceedings look exceedingly strange to a modern barrister. Many entries are found like the following:—

In Easter Term, 7 George IV., April 17, 1826, (*Praes.* The Chief Justice, Powell). "*Isaac Swayze v. John Bissell*; Motion