

further argument:" Nov. 14th, 1826, "Refused." This was a very curious case; in 1793 the Act, 33 George III., c. 3, provided for the payment of wages to the members of the House of Assembly by the district in which their riding was situated. At the time of the passing of this Act, no town had any member in the assembly. By the Act of 1820, 60 George III., c. 2, towns of 1,000 population or over, in which the Quarter Sessions were held, were given a member. Niagara elected Edward McBride—the magistrates refused to give an order to the treasurer to pay him the wages he claimed, and he applied to the court—but after two arguments and much consideration, his application was refused. The reasons will be found in Taylor's Reports, p. 542. It was not till 1835 that members for towns were paid wages like their fellow-members who represented counties, 5 William IV., c. 6.

In Trinity Term, 7 George IV., June 20th, 1826, (Praes. Campbell, C.J., and Sherwood, J.) "*The King v. John Eagleston, Elizabeth Slingsland and Peter Ball*; Indictment for a nuisance in stopping the King's highway. Motion for a rule to shew cause why a mandamus should not issue to the magistrates of the Niagara district in Quarter Sessions assembled, commanding them to pass judgment against defendants upon the above indictment on the verdict rendered at the last Court of General Quarter Sessions of the Peace, holden in and for the Niagara district; J. B. Robinson, Esq., for prosecutors. Granted and issued to J. B. Macaulay, Esq." In Michaelmas Term, 7 George IV., Nov. 18th, 1826, this rule was made absolute on motion of J. B. Macaulay, Esq., (Praes. Campbell, C.J., Boulton and Sherwood, JJ.).

Macaulay was the son of Dr. Macaulay, Inspector-General of Hospitals; himself an ensign in the 98th Regiment of Foot, he took part in the war of 1812, as lieutenant in the Glengarry Fencibles. He was present at Ogdensburg, Lundy's Lane and Fort Erie. Called to the Bar in 1822, he afterwards became a Justice of the King's Bench; and when the Court of Common Pleas was organized in 1849, he was the first chief justice of