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Advocate Society.

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DEKET



BAAC.

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Proceedings at the Banc of  
the Advocate Society of the Term  
of the Holy Trinity in the third  
year of the Society and in the  
year of our Lord one thousand  
eight hundred and twenty three

Witness Alexander Chew-  
ett Benchet and Thomas M  
Radenhurst Vice Benchet—

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Upper Canada,

In the King's Bench,

At Nisi Prius.

Black

as  
May

} Slander — the words laid  
in the first Count — "Black

"is a scandal to the profession and has 2.  
"Succeeded in it more by dishonesty than



## Trinity Term in the third

"talent": the words laid in the second  
Count were the same omitting the  
latter part beginning "and has succeeded"

&c. - Damages laid at £500 - -

Plea General issue - not guilty. -

Counsel for Plaintiff Mr. Sullivan  
Counsel for defendant Mr. Baldwin  
Jury Messrs Henry Baldwin, King  
and John Ridout. - - -

Verdict for Plaintiff and £200  
damages - - - - -

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Upper Canada,

In the Kings Bench

Proor qui tam

vs

Rackwood

} Action against Defendant

on Statute of Philip and

Mary for not appointing four deputies  
for making replevins within two months  
after his appointment as Sheriff of the



year of the Society.

District, of London. Verdict for Plaintiff  
and, £ 637.10.

Mr Baldwin obtained a Rule to shew  
cause why judgment should not be ar-  
rested.

Mr Sullivan now shewed cause a-  
gainst the Rule.

Mr Baldwin was heard in support of it.  
After hearing Counsel held that the  
Rule be made absolute.

England,

In the Common Pleas

Richells

vs

Dewar

} The first Count stated De-  
fendant to owe Plaintiff

£50 for goods sold and delivered. 2<sup>nd</sup>  
Count the common money counts in over



## Trinity Term, in the

5

Damages laid at £100. At the Trial  
the jury under the direction of the Court  
found a verdict for plaintiff, damages  
£80.12.6 being the amount of the ac-  
count for Goods &c, proved.

Mr. Sullivan obtained a Rule to shew  
cause why Verdict should not be set a-  
side for misdirection of the Judge and  
a new trial granted.

Mr. Baldwin now shewed cause against  
the Rule.

Mr. Sullivan replied in support of it.  
After hearing Counsel held that the  
Rule be discharged.

Upper Canada,

In the Kings Bench.

6  
Croker quitam

vs

Boat.

} Scandalum et Magnatum



Third year of the Society.

on Statute of Richard 2<sup>nd</sup> for saying  
of Plaintiff a Judge of King's Bench,  
"Croker is a fool, and as corrupt a Judge  
as ever disgraced a Court" Verdict  
for £ 582. 17. 3.

Mr. Henry Baldwin of Counsel for  
defendant having obtained a Rule cal-  
-ling on Plaintiff to shew cause why  
the Judgment should not be arrested,  
Mess<sup>rs</sup> Baldwin and Ridout of Coun-  
-sel for Plaintiff shewed cause. 17

Mr. Henry Baldwin replied. - - -  
After hearing Counsel held that the  
Rule be made absolute. - - -

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Upper Canada, In the King's Bench  
At Nisi Prius

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Mary Wren }  
w }  
Andrew Armour } Action on the Case for



# Trinity Term in the

seduction of Daughter. Declaration com-  
mon Count, damages laid at £3000.

Plea General Issue. — — — — —

Counsel for plaintiff Messrs Cart-  
wright Sullivan and John Ridout.

8 Counsel for defendant Messrs Robinson  
and Baldwin. — — — — —

Jury, Messrs Richardson Ridout and  
Henry Baldwin. — — — — —

The Plaintiff was nonsuited. — — — — —

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Upper Canada,

In the King's Bench

Doe — — — — —  
(ex dem: Prior) } Ejectione firma for 1000  
vs } Acres of Land in the dis-  
Blackburn }

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trict of London. Special  
Verdict finding that the Sheriff of the dis-  
trict of London had seized the Lands



### third year of the Society.

in question under an Execution against the Lands and tenements of Crosby on a judgment against his executors Dutton 9 and Ellison, that he sold and duly conveyed the Land to Blackburne, and that Wormby the heir at Law of Crosby for a valuable consideration in the same deed released all his right to the premises to Blackburne and that afterwards conveyed the whole in fee to Prior the Lessor of the plaintiff for a valuable consideration.

Mr. Henry Baldwin of Counsel for Plaintiff and Mr. Cartwright of Counsel for defendant argued the special verdict. 10

After hearing Counsel held that the postea be to the Plaintiff.

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Trinity Term in the

Upper Canada

In the King's Bench

At Nisi Prius

Cesar Martin

vs

Remember Baker

Trespass and false  
imprisonment.

1<sup>st</sup> Count of Declaration for assault-  
ing plaintiff, taking him out of a  
boat and carrying him out of the  
Province. 2<sup>nd</sup> Count for false im-  
prisonment generally. 3<sup>d</sup> Count  
for assault and battery. 4<sup>th</sup> Count  
for a common assault. Damages  
laid at £100. Plea Not guilty.  
Jury Messieurs Carwright, Henry  
Baldwin and King.

Counsel for Plaintiff Messieurs  
Solicitor Richardson and Sulli-  
van.



Third year of the Society.

Counsel for defendant Messieurs Rob-  
bison and Baldwin.

Verdict for Plaintiff and £70  
damages.

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Upper Canada

In the King's Bench

Black  
vs } Slander. see folios 1-2...  
Hay }

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At Nisi Prius Defendant  
was proved to be a very poor man,  
and of little repute.

Mr. Baldwin for defendant having  
obtained a rule calling on the plaintiff 12  
to shew cause why the verdict should not  
be set aside for excessive damages,  
Mr. Sullivan for plaintiff shewed  
cause and Mr. Baldwin was heard  
in reply.



# Trinity Term in the

After hearing Counsel held that  
the Rule be discharged.

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Upper Canada,

In the King's Bench  
At Nisi Prius

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Forbes  
<sup>vs</sup>  
Barclay

} Assumpsit.

Declaration, first Count on  
promissory note for £500, dated  
January 1<sup>st</sup>. 1821 payable on demand  
Second Count for money lent and ad-  
vanced and had and received.

Third Count account stated.

Damages laid at £1000.

Plea, Non assumpsit.

Counsel for Plaintiff Messieurs Bal-  
win and King.



Third year of the Society.

Counsel for defendant McArthur Wright  
Jury Messieurs Robinson Henry Bald-  
win and Campbell. — — —

The plaintiff was nonsuited. — —

Metwitt  
Bench

Rademacher & Bench



Proceedings at the Banc of  
the Advocate Society of the  
Term of Michaelmas in the  
third year of the Society and 14  
in the year of our Lord one  
thousand eight hundred and  
twenty three.

Witness Richard Co  
Robinson Benchet and Tho-  
mas W. Radenhurst Vice-  
Benchet.

Upper Canada

In the King's Bench  
At Nisi Prius

Wright  
vs  
Bailey

} Action on the case for de



## Michaelmas Term in the

-famation. 1<sup>st</sup> Count that defendant  
said "Plaintiff forged that order".

2<sup>nd</sup> Count that defendant said  
plaintiff made "four", "forty".  
damages laid at £500. —

15

Plea • Not Guilty. —

Counsel for plaintiff • W<sup>r</sup>. Cart-  
wright. —

Counsel for defendant • W<sup>r</sup>. Sul-  
-livan. —

Jon<sup>y</sup> Messieurs King, Herchman  
and John Bidout. —

Verdict for Plaintiff and £200  
damages. —

Afterwards in Term • W<sup>r</sup>. Sul-  
-livan obtained a rule to shew cause  
why the Verdict should not be  
-set aside and a Nonsuit enter-  
-ed. —



Third year of the Society.

Mr. Cartwright for plaintiff shewed  
cause and Mr. Sullivan was  
heard in reply. — — — — — 16

After hearing Counsel held that  
the rule be made absolute. — — —

Upper Canada

In the Kings Bench

At Nisi Prius —

Cowley }  
as  
Naples } Assault and battery. —  
damages laid at £ 1000. — — —

Plea Not Guilty. — — — — —

Counsel for Plaintiff Mr. John  
Ridout. — — — — —

Counsel for defendant Mr. Bald-  
win. — — — — —

Jurors John Doe and Richard  
Roe. — — — — —



Michaelmas Term in the

Verdict for plaintiff and £50 da-  
mages.

Upper Canada

In the King's Bench

Palmer

vs

Gordon

} Action on the Case a-  
-gainst Gordon Sheriff  
for not levying and false return of  
Nulla bona. Plea that Plaintiff  
after the return of nulla bona sued  
out an alias fi fa, and delivered  
it to the said Sheriff to be executed.  
To this plea plaintiff demurred ge-  
-nerally and defendant joined in  
demurrer.

Counsel for Plaintiff Messieurs  
Baldwin and Henry Baldwin.  
Counsel for defendant Mr. Cart-



### Third year of the Society.

wright. — — — — —

After hearing Counsel held that  
Judgment be for demurrer. — —

Upper Canada

18

In the Kings Bench

At Nisi Prius

Stokes }

vs  
Roberts

} Trover for a pair of Horses

Damages £ 150. Plea, Not Guilty.

Plaintiff proved at the trial that  
the Horses had been offered for sale  
that he delivered them to Defendant  
upon Trial something being at the  
time of the Delivery said that the  
Price was £ 100. The Defendant after  
trying the horses sent to plaintiff  
the £ 100 which Plaintiff refused  
and demanded £ 110. which Deft

19



## Michaelmas Term in the

refused to pay there was however no -  
• specific statement at first, that Plff  
would take £100 - if Deft liked the  
Horses

Notman and Campbell for Deft  
insisted on a nonsuit and the point  
was reserved - A Verdict was given  
for Plff £110 Damages. Afterwards in  
Term the point was argued - Baldwin  
for Plff - Notman and Campbell for  
Defendant -

After Counsel heard - held by the -  
Bench that the postea be to plaintiff  
by Vice Bench that a Nonsuit should  
be entered on the Ground that there  
was no demand and Refusal proved.

20

Upper Canada

In the Kings Bench

at -



Third year of the Society

at Nisi Prius

March

vs  
Allen -

} Trespass on case for false Im-  
prisonment Damages - £100 - -

Plea not Guilty - - -

Counsel for Plaintiff Messrs. Baldwin  
and Herchimer.

- for Defendant Mr Solicitor

21

at the trial before the Benchers The  
Solicitor for Deft moved for a nonsuit  
on the ground that the action should  
have been Trespass and not case - but  
the plaintiff refusing to be nonsuited had  
a verdict and 20£ Damages.

In Term The Solicitor obtained a  
Rule Nisi for arresting the Judgment  
Messrs Baldwin and Herchimer shewed  
cause and the Solicitor in reply was  
stopped by the Benchers -

Held that the Rule be made absolute -



Michaelmas Term in the

Upper Canada

In the Kings Bench

22

at Nisi Prius

Dear } Special action on the case  
vs }  
Howard } for Crim. con - with Plaintiff's  
Wife - damages laid at £20,000 - Plea  
General Issue -

At the trial Mr Cartwright for Defendant  
moved for a nonsuit on the ground that  
as the Husband's incontinence was proved  
by his own witness - it ought to go in bar  
to the action. The point being reserved a  
verdict was given for Plaintiff, and  
three farthings damages -

23

Counsel for Plaintiff Mr H Baldwin  
— for Deft Mr Cartwright

Upper Canada

In the Kings Bench -

at



third year of the Society ~

at Nisi Prius ~

John James Luttrell }  
vs }  
William Butterworth. } Action on the  
Special case for a libel agt Plaintiff  
a Magistrate 2 Counts in Declaration  
Damages 1000£ Plea Gen Issue ~

Counsel for Plaintiff Mr Cartwright  
" ~~~~ for Defendant Mr Baldwin

At trial before the Bench Mr Baldwin  
for Defendant moved for a nonsuit 24  
on the ground that the libel had not  
been read to the Jury - Mr Cartwright  
for Plaintiff refusing to take a Nonsuit  
a Verdict was given for Plaintiff ~  
£536 - damages -

In Term the Court above after hearing  
Counsel granted the Nonsuit ~

Upper



Michaelmas Term in the

Upper Canada

In the Kings Bench

At Nisi Prius —

Muchmore } assumpsit for work labour  
vs }  
Green — — and materials — the damages

25

£50 - Plea Gen. Issue and Infancy —

Replication for necessities —

counsel for Plaintiff Mr Cartwright

— for Deft Mr Solicitor Sullivan

After Plaintiffs Case gone through —

Mr Solicitor moved for a nonsuit on the

ground that a Militia Uniform - Red

Coat - Hood &c were not necessities —

The Court refused the Nonsuit

Verdict for Plaintiff

Upper Canada

In the Kings Bench

James } assumpsit on promissory —  
vs }  
Right —

note



3rd Year of the Society —

26

note - Point reserved at Nisi Prius was whether a nonsuit should not have been entered the note declared on being on demand, and the note produced being - a note payable in a thousand years. In the Early part of the Term the point reserved was argued by Mr King for plaintiff and Mr Cartwright for Defendant & again in the latter part of the Term by Mr Baldwin for Plaintiff and Mr Cartwright for defendant - After hearing Counsel held that a nonsuit should have been entered -

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Upper Canada

Oyer and Terminer

The King }  
vs } Indictment for Champerty  
Sharp }  
The Jury found a Special -  
Verdict that there was an agreement



## Michaelmas Term.

agreement between the Traverser and the Plaintiff in the suit in question that if he got a Verdict the Traverser should have the amount recovered if not that he should not have any costs"

Counsel for Brown Mr Cartwright —

— for defend ant Mr Baldwin 28

In this term Mr Baldwin for Defendant obtained a certiorari to remove the cause and verdict into the King Bench after which the Verdict was argued by Mr Cartwright for the Crown and Mr Baldwin for Defendant

After hearing Counsel he to that the Judgment be for the brown —

Mr Cartwright afterwards obtained a procedendo —

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In the Third Year of the society

Upper Canada

In the Kings Bench

Dudley }  
vs } False Imprisonment Declaration  
Barnard } Common Count Damages. Laid 29  
at £1000—

Defendant pleaded in Justification that  
Dudley (being defendant in an action  
of Assumpsit) had given Barnard a  
Cognovit with condition that upon  
default of payment on or before a  
certain day Plff might be at liberty to  
enter up judgment and sue out a be-  
sa without the usual affidavit & this  
Plea Plff Demurred and Deft Joined in

Demurres — and it was argued by  
Mr Sullivan for Deft Mr H. Baldwin 30  
for Plaintiff —

Judgment in favor of demurrer—

Robson Boncher



Hilary Term ~ ~

Proceedings in the Cause  
of the Advocate Society of  
the Term of Saint Hilary  
in the third and fourth  
Years of the Society and in  
the Year of our Lord one  
thous and eight hundred and  
twenty four — —

Witness Richard G.  
Robinson Benchet and  
Robert Baldwin.  
Vice Benchet — —

Upper Canada

In the King's Bench

Ex parte.

Shir  
vs  
Palmer }

Applicant —

Declarator.



in the third and fourth Years of the Society.

Declaration - That Debt was indebted to plaintiff in  
the sum of thirty one pounds for the Collecting  
and paying over for and to him the said  
Defendant by him the said Plaintiff the sum  
of 2000 - 2nd Count - for a certain Retainer &c  
3rd for Work and Labour as atty - 5th for -  
money had & recd - Dam. 100£ Plea Pausper  
For Plff Mr Sullivan - For Debt Mr Cartwright

At the trial Mr Cartwright moved for a  
Nonsuit on the ground that the plff did not  
prove a copy of his Bill to have been served  
on Debt according to the Statute -  
Plff Nonsuited -

Upper Canada

In the Kings Bench

at

Nisi Prius -

James Yates

vs

John Ashurst

Action on the Case

Declaration



## Hilary Term

33

Declaration -- States that on the 1<sup>st</sup> June 1822

Ashurst persuaded Yates to commit a trespass on  
one Street and carry away a Boat belonging to him  
he promised to indemnify Yates from all costs  
and charges and to save him harmless

Street brought an action against Yates recovered  
£100. Upon Ashurst's refusing to pay the Verdict  
and twenty pounds Costs Yates brings this  
Action, damages £300. Plea *Non Spes* --

34

Counsel for Plff Mr Baldwin (now on the Bench)  
and Mr W. Baldwin

For Defendant Mr Cartwright

At the trial Mr Cartwright for the Deft moved  
for a Nonsumit which being refused the Verdict  
was for Plff Dam. 120£

Next Term Deft obtained a rule to shew cause  
why the Verdict should not be set aside and  
a New Trial granted -- as being contrary to law  
and evidence -- which was discharged -- and now

35



in the third and fourth Years of the Society

Mr Cartwright moved for a Rule to shew  
cause why judgment should not be arrested  
there being no ground of action

Mr Henry Baldwin for Deft opposed the  
Rule — Rule Vide Granted.

Mr Cartwright moved to make the Rule  
absolute —

Mr Henry Baldwin shewed cause against the  
Rule —

After Hearing Counsel held by the Bench  
that the Rule be made absolute —

NB - Mr Baldwin (Vice Bench having 30  
been Counsel in the Cause gave no opinion

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Upper Canada

In the Kings Bench

James Frost

vs

Arthur Luffman

} Dover

at Nisi Prius.

Declaration Sated. Inver and Conversion of a quantity

7



## Hilary Term

of Acres - Dam. 800 £

Counsel for Plff Mr Vothman

for Deft. Mr Solicitor -

Verdict for Plff Dam. £425 -

Upper Canada

In the Kings Bench

At Nisi Prius

37

Doe ex dem } Ejectione Formal for 500  
Fairhurst } acres of Land in the Western  
ag't }  
Elliott } District - Dam. £150 - Plea

Gen Issue

Counsel for Plff Mr Henry Balgown  
for Defendant Mr Cartwright

at the trial Mr Cartwright moved for a Nonsuit on the Grounds  
that Plff had not proved his title - that he had not proved  
Defendant to be in possession and that the Lease to Fairhurst  
was not registered

The Plaintiff refused to take a Nonsuit and the Court

38



in the third and fourth Years of the Society -

overruled the two last - but reserved the first point

Verdict for Plaintiff Damages 1 Shilling.

Next Term Mr Cartwright obtained a Rule to show  
cause why the Verdict should not be set aside and a  
non suit entered on the ground that Plff had  
not proved a title nor had he proved Defendant  
to be improprietor - and afterwards moved to make  
the Rule Absolute -

After hearing Counsel held by the Bench that the  
Rule be made Absolute -

39

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Upper Canada

In the Kings Bench

Lea  
<sup>vs</sup>

Borke

} Assumpsit. first Count of

Declaration on note payable 8<sup>th</sup> July.

2<sup>nd</sup> Count on note payable on demand.

Damages laid at £20.

Plea, General Issue.



Hilary Term in the third and

at the Trial Mr Henry Baldwin of Counsel for the defendant moved for a nonsuit on the grounds that the note was usurious.

40.

The Court refused to grant a nonsuit.

Verdict for plaintiff. £22 damages.

Afterwards Mr <sup>Solicitor</sup> Sullivan of Counsel for Plaintiff moved in Bank to set aside Verdict and grant a new Trial.

But the Court held that having once refused to set aside the verdict, they could not now set it aside on any ground.

Mr Henry Baldwin for defendant afterwards obtained a Rule to shew Cause why Judgment



fourth years of the Society.

should not be arrested, as the verdict was for more damages than laid in Declaration.

The Solicitor having obtained leave to enter a remittiture, as to the surplus damages, showed cause against the rule, upon which — Rule discharged.

Upper Canada,

In the Kings Bench

Bennett Sheriff  
of Eastern District

vs  
Roshell. — —

} Affidavit for  
fees as Sheriff

for executing divers writs. damages laid at £20. — —

At nisi Prius the jury returned a special verdict that one £2.



Henry Green 30 & 4<sup>th</sup> years.

Riders had been charged in execution in the custody of plaintiff at the suit of defendant, and had been discharged by Judge's order for non payment of weekly allowance, and if the Court were of opinion that in such case Sheriff was entitled to his poundage then Verdict for Plaintiff and twelve pounds ten shillings and six pence, damages.

43.

Mr Henry Baldwin of counsel for Plaintiff and Mr Notman of counsel for defendant argued the special verdict. After hearing counsel held by the Bench that the process be to Plaintiff.



Years of the Society

Proceedings in the Banc of the  
Advocate Society of the Term of  
Easter in the fourth Year of the  
Society and in the year of our Lord  
one thousand eight hundred and  
twenty four —

Witness Robert Baldwin  
Bencher and John Cartwright  
Vice Bencher. — — — —

Upper Canada

In the Kings Bench

At Nisi Prius —

Prie } Asumpsit Declaration contained  
or }  
Parry } merely the Common Counts for  
money lent and advanced and  
money had and received — Plea Gen.  
Issue — Counsel.

for Plaintiff

Mr Sullivan Solicitor

for Defendant

Mr H Baldwin

It appearing in Evidence at the trial



## Easter Term in the 4<sup>th</sup>

that consideration for which the action was brought was a horse which Deft. borrowed from Plff and gave in payment to one Norton of a Debt of £50-

Mr. W. Baldwin moved for a nonsuit on the ground that the Evidence did not support the Declaration - and after argument. Nonsuit Refused. Verdict for Deft.

Afterwards in Banc Mr Solicitor moved for a Rule to shew cause why the Verdict should not be set aside as contrary to Law and Evidence -

Mr W. Baldwin shewed cause against the Rule. Rule Made absolute and New trial Granted - Verdict for Plff Dam 50 £ -

~~Mr. J. W. Baldwin~~

In the Kings Bench

John Willson } Motion for discharge of  
vs Benjamin Markle ) Defendant - who was as  
appeared by affidavit a Witness on his  
return home from a cause at the Home  
District Pillageys, and had been arrested  
on a Capias by Plff on the way - he having  
been found Drunk - at a Tavern



Year of the Society ~~~~~

Counsel

for Plff -

for Defendant

Mr Sullivan Solicitor -

Mr Nottman

After hearing Argument Ordered Per. Cur.  
that the Deft be discharged -

Upper Canada

In the Kings Bench -

Scott } Motion for a Rule to shew Cause  
vs } why a *fi fa* should not issue  
Brown } agt the Lands and tenements of Defendant - he  
having escaped from the custody of the Sheriff of  
the Home District -

Counsel for -

Plaintiff

Deft

Mr Sullivan Solicitor -

Mr H Redout -

The affidavit only going to shew that Deft  
was seen in the Yard of the Gaol - the  
Court decided that it was not an escape -  
and therefore -

The Rule was discharged -



