



ADVOCATE SOCIETY.

Journal of Proceedings

IN THE

Chamber of the Society,

during the Session met at York on Monday
the third day of November, being the first
day of Michaelmas Term in the third
year of the Society, and in the year of Our
Lord one thousand eight hundred and twen-
ty three, and adjourned on Thursday the
thirteenth of the same month. — — —

Michaelmas Term,

*In the third year of the Society
and in the year of our Lord
1823.*

Monday 3^d. Nov^r. 1823.

At Six of the clock the Prothonotary bearing the Roll came down to the Chamber and took his seat at the end of the Table uncovered.

The Roll was then called until Six members appeared and took their seats.

The Prothonotary then rose and declared the Chamber to be duly organized.

Mr. Richardson then rose and proposed

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that Mr. Richard C. Robison be chosen Benchet, in which he was second-
ed by Mr. Radenhurst.

The ballots being distributed the question was put by the Prothonotary and upon opening the ballot box there appeared for the question, nine; against it, four.

The question was accordingly carried in the affirmative by a majority of five.

And Mr. Benchet Elect was led to the Chair by Messieurs Richardson and Radenhurst.

The Benchet Elect left the Chair.

At Seven of the clock the writ calling Mr. Benchet elect to the Bench having issued Mr. Benchet took the Chair.

Mr. Richardson then proposed that Mr. Thomas M. Radenhurst be chosen Vice Benchet in which he was seconded by Mr. King.

The ballots being distributed the question was put, and upon opening the ballot box there appeared for the question, eight; against it, five.

The question was accordingly carried in the affirmative by a majority of three.

Mr. Benchet informed the Chamber that he had received the message from the Com-

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mittee of Direction, which, with the permission of the Chamber, he would read.

Mr. Benchor then read the message as follows,

“Baldwin
Protocutor,

The Committee of Direction in opening to the Chamber the State of the Society at the commencement of this Year cannot help taking the first opportunity of congratulating the Chamber on the important change which has lately taken place in the Constitution of the Society; a change which from the balance of power which it has introduced has placed this valuable Institution upon a foundation too firm to be shaken by any of the dangers by which it has hitherto been threatened. — The Legislative, the Executive and the Judicial powers, being now placed in different bodies, act both as a check upon and as a support to each other, and it only requires firmness and temper on the part of each, to preserve the union of the whole. The Committee is happy in being able to assure the Chamber of the continued approbation of the Gentlemen of the Bar, and of their entire approval of the late change

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in the system of debating.

With regard to the promotion of those objects which are the ends of the Institution, the Committee of Direction can assure the Chamber that the Banc has proceeded with as little interruption during the last Term as was to be expected from the absence of so many Members on the Circuits, and that the Committee are of opinion that the Forum would have proceeded with equal success had not the general attention of the members been so much taken up with the business of the other Chamber.

From the total want of a regular supply for the last Term, it was found absolutely necessary to issue warrants on the Treasury to a considerable amount without the sanction of an Ordinance. The Committee of Direction will transmit a Statement of the warrants which have been issued under these circumstances, together with the accounts of the Treasury at as early a period of the Term as possible, and your Chamber will find that the most rigid economy has been observed in the appropriation of the money thus issued, and that as small a sum as possible has been drawn for the ordina-

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—ry expenses of the Term.

The Committee of Direction is unable to afford the Chamber any hope of the Students' Society of Kingston being reestablished; the number of Gentlemen in that town who would join in support of such an institution is so small that the revival of that Society cannot at all events be expected for some time. Nor does there appear at present any prospect of similar Institutions being established in other parts of the Province. The Chamber may however be assured that the Committee of Direction will ever be ready to use the utmost power with which the Society have entrusted them, to promote so desirable an object.

The Committee of Direction having thus laid open to your Chamber a brief Statement of the State of the Society, would beg leave earnestly to recommend a careful and scrupulous attention to the principles of the Constitution, and further to assure your Chamber that the Committee of Direction will always be found eager to pursue any measure which may tend to the advantage or honour of the Society.

Robt. Baldwin"

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Mr. Henry Baldwin seconded by Mr. Richardson moves that it be "Resolved that the thanks of this Chamber be ~~presented to the Chamber~~ be presented to the Committee of Direction for their message through Mr. Boucher at the commencement of this Term and that they be assured that this Chamber receives with satisfaction the congratulation of the Committee of Direction on the important change which has lately taken place in the Constitution of the Society and which from the balance of power which it has introduced has placed this valuable Institution upon a foundation too firm to be shaken by any of those dangers by which it has hitherto been threatened. That the Chamber feels confident that the Legislative the Executive and the Judicial powers being in different bodies act both as a check upon and as a support to each other, and that it only requires firmness and temper on the part of each to preserve the Union of the whole. That the Chamber is happy at the assurance of the continued approbation of the Gentlemen of the Bar and of their entire approval of the late

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change in the system of debating. —
That the Chamber is happy to learn that
the Banc has proceeded with as little in-
terruption during the last Term as was
to be expected from the absence of so
many Members on the circuits and that
the Forum would have proceeded with e-
qual success, had not the general atten-
tion been so much occupied by the bu-
siness of the other Chamber. —

That this Chamber is fully that from the
total want of a regular Supply for the last
Term it must have become absolutely ne-
cessary to draw money from the Treasury
without the sanction of an ordinance, and
receives with pleasure the assurance that
a statement of the warrants for the money
which has been issued under these circum-
stances together with the accounts of the
Treasury will be transmitted at as early a pe-
riod of the Term as possible, that the most
rigid economy has been observed in the ap-
propriation of the money thus drawn and
that as small a sum as possible has been
drawn for the ordinary expenses of the Term.

That the Chamber is sorry to hear that
the Committee of Direction is unable to af-
ford any hope of the Students' Society of

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Kingston being reestablished, and that the number of gentlemen in that town who would join in support of such an institution is so small that the revival of the Society cannot at all events be expected for some time, and that no hope can at present be entertained of similar institutions being established in other parts of the Province. That the Chamber however feels convinced that the utmost power with which the Society has entrusted the Committee of Direction will be exerted in the promotion of so desirable an object. And that the Chamber receives with satisfaction the recommendation of the Committee of Direction to a careful and scrupulous attention to the principles of the Constitution, and the assurance that the Committee of Direction will always be found eager to pursue any measure which may tend to the advantage or honour of the Society".

Upon which debates ensued.

Mr. Radenhurst seconded by Mr. Whitehead moves that the debate be adjourned until Wednesday next.

Which was ordered.

Mr. Sullivan gives notice that he will to-mor-

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— now move that the thanks of this Chamber
be presented to Mr. Chewett for his truly ex-
— cellent, dignified, active and impartial con-
— duct as Benchman of this Society. — — —

Mr. Richardson gives notice that he will on Wed-
— nesday next move for leave to bring in a
Rule to establish a Table of Costs upon
— Informations. — — —

Mr. Henry Baldwin gives notice that he will
on Wednesday next move for a Com-
— mittee of Supply. — — —

Mr. Baldwin gives notice that he will on Fri-
— day next move for a Committee of the
— whole on the State of the Society. — —

At nine of the clock the Chamber adjourned
— until Wednesday evening next. — — —

Wednesday 5th Nov^r 1823.

The Chamber met at half past Six of the clock.

The Journals were read. — — —

Pursuant to the order of the day, the adjourned de-
— bate on Mr. Henry Baldwin's motion for
a vote of thanks in answer to the message
of the Committee of Direction through
Mr. Benchman, was returned.

Mr. Sullivan seconded by Mr. Campbell moves

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in amendment that the words "Thanks of the Chamber be presented to the Committee of Direction for" be expunged, and the words "approbation of the Chamber be expressed to the Committee of Direction of" be inserted.

Which was ordered.

The original motion as amended was then put and carried.

Mr. Sullivan seconded by Mr. Cartwright moves that the Thanks of the Chamber be presented to Mr. Alexander Chewett for his truly dignified excellent active and impartial conduct during the time he was Benchman of the Society.

Which was ordered unanimously.

Mr. Richardson seconded by Mr. Baldwin moves pursuant to notice that he have leave to bring in a rule to establish a Table of Fees upon Informations.

Which was ordered and the rule read.

Mr. Richardson seconded by Mr. Baldwin moves that the rule to establish a Table of Fees upon Informations be read a second time on Friday next.

Which was ordered.

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The third year of the Society.

M^{rs}. Richardson brought down a message from the Committee of Direction which having read in his place he delivered at the Table and it was read as follows,

“ Baldwin

Protocutor,

The Committee of Direction here with transmit to the Chamber of the Society a Statement of the warrants issued on the Treasury without authority during the last Term.

Rob^t. Baldwin”

Committee Room,

3^d Nov^r. 1823

The Statement accompanying the said message was also read as follows,

“

A Statement of the Warrants issued by the Committee of Direction upon the Treasury from the eighth day of August to the first day of November in the Term of Trinity in the third year of the Society.

A Warrant in favour of John Leslie for £ 1. 6. 3 for four books.

A Warrant in favour of William Lind-

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say for £ 0..15..0 for an University
Cap. — — — — —

A Warrant in favour of Jordan Post
the Younger for £ 3. for a Seal. —

A Warrant in favour of James Bridge-
land for £ 2..0..0 for arrears due him
as Sergeant in Waiting. — — — — —

A Warrant in favour of William Cot-
man for 8/9 for money advanced by him
when Prothonotary. — — — — —

A Warrant in favour of Henry Bald-
win Prothonotary for 1/3 for the ordi-
nary expenses of his Office. — — — — —

W^r. Henry Baldwin brought down a message
from the Committee of Direction, which
having read in his place he delivered at the
Table and it was read as follows,

"Baldwin

Prolocutor,

The Committee of Direction here-
with transmit to the Chamber of the
Society the accounts of the Treasury
for last Term. — — — — —

Committee Room; Rob^t Baldwin"
3^d Nov^r. 1823

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The Document accompanying the message was then read as follows,

Account of Monies received into and paid out of the Black Purse of the Treasury during Trinity Term in the third year of the Society and in the year of our Lord one thousand eight hundred and twenty three.

1823		£ s d		
August 13	Money in the Treasury before the orders of the Committee of Direction of the twelfth Instant for the regulation of the Treasury, and this day received into the Black Purse.	4	5	2½
September 1 st	Amount of Term fees from the thirteenth day of August to this day.	"	8	9
	Amount of Admission Fees from the thirteenth day of August to this day.	"	10	"
October 1 st	Amount of Term fees from the first day of September to this day.	"	5	"
	Amount of fines and extraordinary ^{revenues} from the first day of September to this day.	"	16	3
November 3 rd	Amount of fines and extraordinary			

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monies from the first day of Oc-
tober to this day. — — — — —

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Total received during Trinity

Term 1823. — — — — —

7 13 11½

1823

L s d

August 18	Paid to warrant in favour of James Bridgeland for arrears due to him as Sergeant in Waiting. —	2	0	0
— 18	Paid to warrant in favour of William Notman for money advanced by him when Prothonotary for the expenses of his Office. — — — — —	"	8	9
— 19	Paid to warrant in favour of William Lindsay for a velvet Univer- sity Cap. — — — — —	"	15	0
	Paid to warrant in favour of John Leslie for four books. — — — — —	1	6	3
October 8 th	Paid to warrant in favour of Jordan Post the Younger for a Seal. — —	5	0	0
— 24 th	Paid to warrant in favour of Henry Baldwin Junr. Prothonotary for the ordinary expenses of his Office. —	"	1	3
November 1	Paid into Red Purse. — — — — —	"	2	8½
	Total disbursed Trinity Term 1823. —	7	13	11½
Treasury Nov 3 ^d 1823. — Rob ^t Baldwin 1 st Comr. H. Baldwin Junr Comr.				

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Mr. Henry Baldwin seconded by Mr. Baldwin
 moves that the Chamber do now resolve it-
 self into a Committee of the whole on the
 accounts. — — —

Which was ordered. — — —

Mr. Sullivan was called to the Chair. — — —

The Chamber resumed. — — —

Mr. Sullivan reported progress and asked leave to
 sit again on Friday next. — — —

Ordered that the report be received, and leave
 granted accordingly. — — —

Mr. Sullivan gives notice that he will on Friday
 next move that the Committee of Direc-
 tion be requested to lay before this Cham-
 ber the orders issued by them relative
 to the Treasury. — — —

Mr. Sullivan gives notice that he will on Fri-
 day next move a resolution relative to the
 election of the Benchers and Vice Benchers.

At eight of the clock the Chamber adjourned
 until Friday next. — — —

Friday 7th Nov^r 1823.

At half past Six of the clock the Chamber met.

Mr. Benchers informed the Chamber that
 Mr. Clow a Member of the Society

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was in attendance at the Bar waiting to be introduced. — — — — —

Mr. Claus was then introduced between Messrs. Baldwin and Richardson, and took his Seat. — — — — —

The Journals were read. — — — — —

Pursuant to notice Mr. Baldwin seconded by Mr. Richardson moves that the Chamber do now resolve itself into a Committee of the whole on the State of the Society, and that it be an instruction to the Committee to take into consideration the Statement of warrants issued on the Treasury without authority during the last Term transmitted by the Committee of Direction. — — — — —

Which was ordered. — — — — —

Mr. Notman was called to the Chair. — — — — —

The Chamber resumed. — — — — —

Mr. Notman reported that the Committee had agreed to certain resolutions which he was directed to submit for the adoption of the Chamber whenever the Chamber should be pleased to receive the same. — — — — —

Ordered that the report be received, and it was

Resolved that several warrants were issued

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by the Committee of Direction on the Treasury for large sums of money between the eighth day of August and the first day of November in the Term of Trinity in the third year of the Society.

Resolved that such warrants were unauthorized

Resolved that in pursuance of such warrants divers large sums of money were issued from the Treasury. — — —

Resolved that the right trusty Robert Baldwin, the right trusty Charles Richardson and the right trusty Henry Baldwin the Younger in advising the Committee of Direction to issue such warrants and the said Robert Baldwin in issuing money from the Treasury in pursuance of such unauthorized warrants have been guilty of high crimes and misdemeanors. — — —

Resolved that it is the opinion of this Chamber that the issuing such unauthorized warrants and the payment of money out of the Treasury in obedience to the same, was necessary to the due administration of the affairs of the Society. — — —

Resolved that it is the opinion of this Chamber that it is expedient to grant an Indemnity to the said Robert Baldwin, Charles

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Richardson and Henry Baldwin the
Younger for such their illegal advice,
and to the said Robert Baldwin for its
= doing money in obedience to such unau-
= thorized warrants. —

Resolved That it is the opinion of this Chamber
that it is expedient to grant a general
Indemnity for all high crimes and
misdemeanors and other offences com-
mitted and a discharge from all debts
and fees payable on or before the ninth
day of August in the Term of Trinity
in the third year of the Society. —

Mr. Baldwin seconded by Mr. Claus moves that
Messieurs Richardson and Henry Bald-
win be a committee to draft a Rule pur-
= suant to the Resolutions of Indemnity
reported by the Committee on the State
of the Society. —

Which was ordered. —

Mr. Richardson from the Committee appointed
to draft a rule pursuant to the resoluti-
= ons of Indemnity reported by the Com-
= mittee on the State of the Society reported
that the Committee had drafted a rule
which he was directed to submit when=
= ever the Chamber should be pleased
to receive the same. —

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Ordered that the report be received and the rule was read. — — — — —

Mr. Baldwin seconded by Mr. Claus moved that the Indemnity rule be now read a second time. — — — — —

Which was ordered and the rule read accordingly. — — — — —

Mr. Baldwin seconded by Mr. Claus moved that the Chamber do now resolve itself into a committee of the whole on the Indemnity rule. — — — — —

Which was ordered. — — — — —

Mr. Cartwright was called to the Chair. — — — — —

The Chamber resumed. — — — — —

Mr. Cartwright reported the rule as adopted. — — — — —

Ordered that the report be received. — — — — —

Mr. Baldwin seconded by Mr. Claus moved that the Indemnity rule be engrossed and read a third time on Monday next. — — — — —

Which was ordered. — — — — —

Pursuant to notice Mr. Henry Baldwin — — — — —

seconded by Mr. Richardson moves that the Chamber do now resolve itself into a Committee of Supply. — — — — —

Which was ordered. — — — — —

Mr. Ridout was called to the Chair. — — — — —

The Chamber resumed. — — — — —

Mr. Ridout reported that the Committee — — — — —

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had agreed to a certain resolution which he was directed to submit for the adoption of the Chamber. — — — — —

Ordered that the report be received. — — — — —
and it was

Resolved that a Supply be granted to the Society to enable the Society to satisfy the the following services to wit,

For the Office of Direction. — — — — —	L. s. d.
For the Treasurer's Office. — — — — —	" 1. 3
For the Solicitor's Office. — — — — —	" 1. 3
For the Prothonotary's Office. — — — — —	" 12. 6
For the Salary of the Sergeant in Waiting. — — — — —	" 15. 0
For Casual and other expenses. — — — — —	" 1. 3
For arrears due the Sergeant in Waiting. — — — — —	" 10. 0

W^r. Henry Baldwin seconded by W^r. Claus, moved that Messieurs Baldwin and Richardson be a Committee to draft a rule pursuant to the resolution reported by the Committee of Supply. —

Which was ordered. — — — — —

W^r. Baldwin from the Committee to draft a rule pursuant to the Resolution reported by the Committee of Supply reported that the Committee had —

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-drafted a Rule which he was directed to submit
whenever the Chamber should be pleased
to receive the same. — — — — —

Ordered that the report be received, and the
Rule was read. — — — — —

Mr. Henry Baldwin seconded by Mr. Bald-
win moved that the Supply Rule be
now read a second time. — — — — —

Which was ordered, and the rule read. — — — — —

Mr. Henry Baldwin seconded by Mr. Ri-
chardson moved that the Chamber
do now resolve itself into a committee
of the whole on the Supply Rule. — — — — —

Which was ordered. — — — — —

Mr. Sullivan was called to the Chair. — — — — —

The Chamber resumed. — — — — —

Mr. Sullivan reported the rule as adopted. — — — — —

Ordered that the report be received. — — — — —

Mr. Henry Baldwin seconded by Mr. Richar-
dson moves that the Supply Rule be
engrossed and read a third time on
Monday next. — — — — —

Which was ordered. — — — — —

Pursuant to the order of the day the Costs rule
was then read a second time. — — — — —

Mr. Richardson seconded by Mr. Baldwin
moves that the Chamber do now re-
solve itself into a committee of the whole

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upon the Rule to establish a Table of Costs upon Informations. —

Upon which debates ensued. —

At nine of the Clock the Chamber adjourned until Monday next. —

Monday 10th Nov^r 1823.

The Chamber met at Six of the Clock. —

The Journals were read. —

Mr. Pencher informed the Chamber that he has communicated their vote of thanks to Mr. Alexander Chewett the late Pencher. —

Pursuant to the order of the day the Supply rule was then read a third time. —

Mr. Henry Baldwin seconded by Mr. Richardson moves that the Supply Rule do now pass and that it be entitled "An Ordinance granting a Supply to support the administration of the Affairs of the Society". —

Which was ordered and the rule signed. —

Pursuant to the order of the day the Indemnity Rule was then read a third time. —

Mr. Baldwin seconded by Mr. Claus moves that the Indemnity Rule do now pass

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and that it be it entitled "An Ordinance to indemnify certain persons therein particularly specified and to grant a general Indemnity for all offences committed before the ninth day of August in the Term of Trinity in the third year of the Society".

Which was ordered and the rule signed.

Mr. Richardson seconded by Mr. Baldwin moves that the Fifth rule of the Benchers Book be dispensed with so far as to enable him to move for a committee on the rule to establish a table of Costs upon Informations.

Which was ordered.

Mr. Richardson seconded by Mr. Baldwin moves that the Chamber do now resolve itself into a committee of the whole on the rule to establish a table of Costs upon Informations.

Which was ordered.

Mr. Notman was called to the Chair.

The Chamber resumed.

Mr. Notman reported progress and asked leave to sit again this day six weeks.

Ordered that the report be received and leave granted accordingly.

Pursuant to the order of the day the Chamber

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— her resolved itself into a Committee of the whole on the accounts.

Mr. Sullivan was called to the Chair.

The Chamber resumed.

Mr. Sullivan reported that the Committee had agreed to certain resolutions which he was directed to submit for the adoption of the Chamber.

Ordered that the report be received.

and it was,

Resolved that the money in the Treasury before the orders of the Committee of Direction of the twelfth of August in the Term of Trinity in the year of our Lord one thousand eight hundred and twenty three amounted to Four pounds five shillings and two pence half penny

Resolved that the Net Revenue arising from Term Fees for the Term of Trinity in the third year of the Society and in the year of our Lord one thousand eight hundred and twenty three, in so far as the same has been received, amounted to thirteen shillings and nine pence.

Resolved that the Net Revenue arising from Admission Fees for the Term of Trinity in the year of our Lord one thousand eight hundred and twenty

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three, so far as the same has been received amounted to ten shillings. —

Resolved that the Net Revenue arising from Tines and other extraordinary sources for the Term of Trinity in the year of our Lord one thousand eight hundred and twenty three, so far as the same has been received amounted to Two pounds fifteen shillings. —

Resolved that the Expenditure for the Term of Trinity in the year of our Lord one thousand eight hundred and twenty three amounted to Seven pounds seven shillings and three pence. —

Resolved that the Surplus Revenue for the Term of Trinity in the year of our Lord one thousand eight hundred and twenty three amounted to Two shillings and eight pence halfpenny. —

Mr. Sullivan seconded by Mr. Cartwright moved that it be resolved that it is a respect due to the Offices of Benchers and Vice Benchers that those who have filled those offices one Term, should be proposed at the election in the next Term before and in preference to any other member, to fill the same Offices. —
On this question the Chamber divided, and the

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Yeas and Nays being taken were as follows,

Yeas	Nays.
Messrs Cartwright	Messieurs Radenbush
Sullivan	Baldwin
Herchmer	Chevet
3	Richardson
	Redout.
	Notman
	Th. Baldwin
	Campbell
	King.
	and Claus

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The question was accordingly carried in the negative by a majority of seven.

Mr. Sullivan seconded by Mr. Campbell moved that the Committee of Direction be requested to lay before this Chamber the orders issued by them relative to the Treasury during the last Term.

The previous question was put and carried.

Mr. King gives notice that he will on Thursday next move a resolution on the propriety of requesting the visits of the Gentlemen of the Bar in the Chambers of the

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Bar and Forum.

At eight of the clock, the Chamber adjourned until Thursday next.

Thursday 13th Nov^r 1823

The Chamber met at Six of the clock.

The Journals were read.

Mr. Alexander Chewett the Keeper of the Seal appeared without the Bar bearing the Seal and the Enrolments.

Mr. Benchet left the Chair.

The Keeper of the Seal came within the Bar and being seated on the Bench delivered an Ordinance tested the eleventh day of November instant entitled "An Ordinance granting a Supply to support the administration of the affairs of the Society" and an Ordinance tested the same eleventh day of November instant entitled "An Ordinance to Indemnify certain persons therein particularly specified, and to grant a general Indemnity for all offences committed before the ninth day of August in the Term of Trinity in the third year of the Society".

The Keeper of the Seal then left the Bench and

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bearing the Seal and the Evidements retired without the Bar.

Mr. Penker took the Chair.

Mr. Penker informed the Chamber that he had received the message from the Committee of Direction which with the permission of the Chamber he would read.

Mr. Penker then read the message as follows,

"Baldwin

Protocutor

The Committee of Direction in taking leave of the Chamber of the Society, cannot help acknowledging the lively satisfaction which they feel at the confidence expressed by the Chamber in their measures, and beg to renew the assurance made at the commencement of the Term that no exertion shall be wanting on their part to promote those objects which may have for their ends the general advantage of the Institution. The Committee of Direction having no further communication to make present to and recommend an adjournment sine die.

Rob^t. Baldwin

Mr. Penker then left the Chair, and the Chamber went without a day.

