

Journal



Journals
of the Advocate Society
of Trinity Term 1821

Pursuant to the Ordinance the Society met on
the first day of this Trinity Term being
the second day of July
1821.

Mr John Lyons was called to the Chair of the
Committee

The Committee of the Whole having risen reported
Mr David William Smith elected Benchman by a major-
ity of one and Mr Richard C Robison elected Vice
Benchman by a majority of four.

The Report being received Mr Smith took his seat on
the Bench as Benchman.

Mr Baldwin seconded by Mr Robison then moved
That Messrs Whitehead Lyons John Samson and
James Samson be appointed the Committee of Privileges.

July 2^d.

1821-

Privilege, Carried.

Stephen Guyma was continued by the Bench in the office of Sergeant at law.

The order of the day was then read for the third reading of the Rule to preserve the Constitution of the Society from innovation.

The Rule was read a third time.

Mr Baldwin seconded by Mr Robinson moved That the Rule to maintain the Constitution of the Society from innovation do now pass and that it be entitled "An ordinance to preserve the Constitution of the Society from innovation." Carried.

The order of the day was then read for the second reading of the Rule to abolish the Committee of Privilege.

The Rule was read a second time.

The Society went into Committee on the Rule.

The Committee of the whole rose and Mr Ridout reported the Rule amended. Report received. Mr Baldwin seconded by Mr Robinson moved That the Rule to abolish the Committee of Privilege be engrossed and read a third time on the next

Trinity Term

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July 2^d

1821

day of meeting - ordered -

Mr Baldwin seconded by Mr Eastwight moved
for leave to bring up the petition of Mr John M^c
Dowal - granted -

The Petition was then brought up and laid on the table.

Mr Baldwin seconded by Mr Eastwight moved
that the petition of Mr John M^c Dowal be now
read - ordered -

The Petition was then read by the Prothonotary.

To The Learned the Advocate Society. The petition
of John M^c Dowal late of the Midland District Gentlemen
respectfully sheweth that your petitioner is a Student at
Law duly admitted on the Books of the Law Society of
Upper Canada and that your petitioner is desirous of
being admitted as a Member of your Learned Society. Your
petitioner therefore prays that you will take the premises
into your consideration and make such order thereon as shall
be most conducive to the welfare and dignity of your Learn-
ed Society. Your petitioner respectfully awaits your deci-
sion. Signed - J M^c Dowal - York July 1821.

The petition was ordered to remain on the Table -

on motion of Mr Robinson seconded
by Mr Lyons the Society adjourned -

The Society

met pursuant to the Ordinance in such case made and provided -

The Bench took the Chair -

The Journals were read by the Prothonotary
The Ordinance entitled "An Ordinance to preserve the Constitution of the Society from innovation" was read from the Bench and delivered -

The order of the day was then read for the third reading of the Rule to abolish the Committee of Privilege. The Rule was read a third Time -

Mr Baldwin seconded by Mr Robison moved that the Rule to abolish the Committee of Privilege do now pass and that it be entitled - An Ordinance to abolish the Committee of Privilege and to make more effectual provision for the due execution of the Laws of the Society" Carried -

The order of the Term was then read for the Discussion of the first Question - "Is that Law a just one which gives an individual the absolute power over the lives limbs and liberties of his fellow creatures -

The Question was discussed -

Mr Baldwin seconded by Mr Cartwright moved

Trinity Term

5 -
July 10th
1821 -

that the further discussion of the first question. "Is that Law a just one which gives an individual the absolute power over the lives limbs and liberties of his fellow creatures?" be adjourned until the next day of meeting - carried -

Mr Radenhuist seconded by Mr Robison moved That the Prothonotary of the Society be ordered to keep an Index to the Ordinance Book - Carried -

Mr Baldwin seconded by Mr Coatsworth moved that it be.

Resolved that the name of Mr John McDowal be entered on the Journals as of this present Term of Trinity - By permission withdrawn -

The order of the Term was then read for the Discussion of the second Question "Has the Legislature of a Mother Country any right to tax a Colony which sends no representative to such Legislature. The Question was discussed -

Mr Baldwin seconded by Mr Robison moved That the Discussion of the second Question "Has the Legislature of a Mother Country any right to tax a Colony which sends no representative to such Legislature. be adjourned until the second day of meeting from

Trinity Term,

6

July 10th

1821

This day - Carried -

Mr Cartwright seconded by Mr Robison moved
that the following questions be received by the Society
"Is the mode of trial by jury in England preferable
to that practised in North Britain?"

"Is a Monarchical Government like that of Great
Britain more conducive to the liberty and happi-
ness of a nation than a Republican form of Go-
vernment like that of the United States?" Carried.

Mr Radenhurst seconded by Mr Aldwin moved
for leave to bring in a Rule to diminish the Quorum of
the Society - granted -

On motion of Mr Cartwright seconded
by Mr Robison the Society
adjourned -

The Society.

July 14

1821 -

Met pursuant to the Ordinance

The Benchet took the Chair -

The Journals were read by the Prothonotary
The order of the day was then read for the

appointment of a Prothonotary
Mr Baldwin seconded by Mr Chewett moved
that Mr John Cartwright be appointed
Prothonotary - carried -

Mr Chewett seconded by Mr Robison moved that
that the thanks of the society be presented to
Mr Robert Baldwin the late Prothonotary - carried -

Mr Cartwright seconded by Mr Baldwin moved
that Mr John Lyons be appointed Treasurer to
this Society - carried -

The ordinance entitled "An Ordinance to
abolish the Committee of Privilege and to
make more effectual Provision for the due
Execution of the laws of the Society" was read
from the Bench and delivered -

Mr Cartwright seconded by Mr Chewett moved
that Mr Robert Baldwin be appointed Advocate
to this Society - carried -

Mr Chewett seconded by Mr Robison moved that
he have leave to bring up the Petition of Charles
Richardson late of the Town of Amherstburgh
Gentleman, and that it be now read - carried -
The Petition was then read by the Prothonotary.
So he read the Advocate Society -

The Petition of Charles Richardson late of
the Town of Amherstburgh, Gentlemen, humbly
sheweth - That your Petitioner was duly ad-
mitted on the Books of the Law Society of Upper Canada,

as of this present Term of Trinity, which on
reference to the certificate herunto annexed
will more fully appear. That your Petitioner
being desirous of the honour of being admitted
also as a member of your honorable and
learned Society, has recourse to the practice pointed
out by the laws of your Society, to communicate
such his desire, and therefore humbly hopes
that your Society will take the necessary
steps for his admission. And your Petitioner
will ever pray. (signed) Charles Richardson
York July 14th 1821-

I hereby certify that Mr Charles Richardson late
of the Town of Amherstburgh, was duly admitted
as a Student upon the Books of the Law Society
of Upper Canada, as of this present Term of
Trinity. (signed) W W Baldwin.

Treasurer of the Law Society

Mr Chewett seconded by Mr Robison moved
that the Petition be received - carried -

Mr Chewett seconded by Mr Robison moved that the
name of Mr Charles Richardson be now entered on
the Journals of the Society - carried

Mr Baldwin seconded by Mr Ridout moved for leave
to bring up the accounts of Easter Term last - ordered -

Mr Baldwin seconded by Mr Ridout moved that the
accounts of last Term be referred to a committee of
the whole - carried -

The Yeas and Nays be called for three appeared

Mr Baldwin ^{Yeas} Mr Chewett

Mr Robison Mr Ridout

Mr Cartwright

Nays

Mr Radenhurst

The Society then resolved itself into a Committee of the whole -

The Committee rose and Mr Chewett as Chairman reported the following resolutions -

- 1st Resolved that the ordinary expenses of Easter Term one thousand eight hundred and twenty one have amounted to nineteen shillings and four pence halfpenny -
- 2^d Resolved that the contingent expenses of Easter Term one thousand eight hundred and twenty one have amounted to two shillings and six pence
- 3^d Resolved that the Books of the Society have been regularly kept during Easter Term one thousand eight hundred and twenty one -
- 4th Resolved that the Receipts into the Treasury during Easter Term one thousand eight hundred and twenty one have amounted to two pounds one shilling and nine pence -
- 5th Resolved that the Disbursements from the Treasury during Easter Term one thousand eight hundred and twenty one have amounted to one pound -
- 6th Resolved that Messrs John Lyons Thomas Radenhurst and Alexander Chewett are each indebted to the Treasury in the sum of five shillings & three pence

- 7th Resolved that Messrs John Lyons, Thomas Radenhusst, and Alexander Chewett do pay into the Treasury the amount due from them to it on or before the ^{twenty} first day of July instant
- 8th Resolved that the Treasurer of Easter Term one thousand eight hundred and twenty one is discharged from all responsibility as such Treasurers.

The Report was then received -
Mr Cartwright seconded by Mr Baldwin move that it be Resolved that the sum of one pound five Shillings be granted to the Benchers to defray the expences of the Present Term and that he is hereby authorised to draw on the Treasury for the same - carried -

On Motion of Mr Radenhusst seconded by Mr Cartwright the Society Adjourned -

The Society were unable
to meet the Benchers and Vice Benchers
being absent -

July 17th

1821

The Benchers
took the Chair pursuant to the Ordinance -
The Benchers adjourned the Society for want
of a Quorum -

July 24 1821

July 24. 1821

Present

The Bench

Mr John Lyons

Treasurer

Mr Robert Baldwin

Advocate

Mr Grace Kidout

The Society

July 31st 1821

were unable to assemble the Bench
and Vice Bench being both
absent

The Society

August 7th 1821

met pursuant to the Ordinance

The Bench took the chair

The Bench adjourned the Society for want
of a Quorum until Wednesday evening next at
eight o'clock.

Present

The Bench

Mr John Lyons

Treasurer

Mr Robert Baldwin

Advocate

Mr Grace Kidout

The Society

met pursuant to adjournment.

The Preacher took the Chair -

The Journals were read by the Prothonotary
The Advocate moved in his place that the names
of Mr John McDowal Mr Charles Richardson
and Mr Alexander Wilkinson be engrossed on the
Black side of the Roll and that the names of Mr
Marshall S Bodwell Mr Alexander Stewart
and Mr George Ralph on the Black side of the
Roll be marked called -

The order of the day was then read for reading an
Information filed by the Advocate on the
twentieth day of July in this Term in the Office of the
Prothonotary against Richard C Robison Tho-
mas Radenhurst and Horace Kidout and
John S Cartwright for breach of their duty as
Committee of Privilege for Easter Term in the
year of our Lord one thousand eight hundred
and twenty one -

The Information was then read -

The Advocate moved That the Information
against Richard C Robison Thomas Raden-
hurst, Horace Kidout, and John S Cart-
wright be received - Carried -

The Advocate moved That the Information against Richard C. Robison, Thomas Radenhuist, Grace Ridout and John S. Cartwright be on the next day of meeting referred to a Committee of the whole to try the truth thereof and that the Committee be directed to report positively. Carried.

M^r Baldwin seconded by M^r Robison moved That the name of M^r John M^r Dowal be entered on the Journals as of this present Term of Trinity & ordered.

M^r Robison seconded by M^r Baldwin moved that The Society do resolve itself into a Committee of the whole to Ballot for the Admission of M^r Charles Richardson. carried.

The Society then resolved itself into a Committee of the whole to Ballot for the Admission of M^r Charles Richardson.

The Committee of the whole rose and M^r Robison chairman reported M^r Charles Richardson admitted unanimously. Report Received.

M^r Charles Richardson was then introduced by M^{rs} Robison and Baldwin and took his seat.

August 8th 1821.

Mr Baldwin seconded by Mr Kidout moved that
the Rule to diminish the Quorum of the Society be
read a first Time on the next night of meeting
ordered.

On Motion of Mr Wadsworth seconded by
Mr Baldwin the Society
then adjourned until the first Saturday
in October next at seven o'clock
in the Evening.

The Society

October 6th 1821

were unable to assemble the Benchers
and Vice Benchers being both absent.

The Society

October 9th 1821

were unable to meet the Benchers and
Vice Benchers being both absent.

October 16th 1821

The Society

met pursuant to the ordinance

The Bench took the Chair

The Bench adjourned the Society for want of a Quorum Present

The Bench

The Prothonotary

The Society

met pursuant to the ordinance

October 23rd 1821

The Bench took the Chair

The Journals were read by the Prothonotary

The order of the day was then read for receiving

the Information against Richard C. Robison

Thomas Radenbush Horace Rictout and John

Hartwright to a Committee of the whole

Mr Chewett seconded by Mr Lyons then moved

that the Information against Richard C. Robison and others be deferred until the next night of meeting - ordered -

Mr Robison seconded by Mr Chewett moved that the Prothonotary be directed to furnish the Defendants with a copy of the Information filed against them - ordered -

The order of the day was then read for the first reading of the Rule to diminish the Quorum of the Society -

Mr Baldwin moved that rule to diminish the Quorum of the Society be read a first time on Sunday Three Weeks - ordered -

The order of the day being gone through the order of the Term was then read for the discussing of

October 23 1821

The Question, "Is that Law a Just one which gives
"an Individual the absolute power over the Lives,
"Limbs and Liberties of his fellow creatures"

Mr Cartwright seconded by Mr Chewett then moved
that the Question be deferred until the third
night of meeting, Ordered -

Mr Baldwin seconded by Mr Robison moved that
the second question on the order of the Term be put
on the order of Michaelmas Term next ordered

Mr Cartwright seconded by Mr Lyons moved that
the third question on the order of the Term be
discussed on Sunday three weeks - Ordered -

Mr Baldwin seconded by Mr Cartwright then
moved that the Questions remaining on the
order of the Term be discussed on the next
night of meeting - Ordered -

Mr Baldwin seconded by Mr Richardson then
moved that Messrs Robison Lyons and Chewett
be a Committee to obtain the address of the Late
Benchers to the Society and to lay a true copy
of the same before the Society on the last day
of next term and that they have leave to
ask for papers and opinions - Ordered -

Mr Baldwin seconded by Mr Cartwright moved
that Messrs Robison Ridout and Lyons be a
Committee to take into consideration the
propriety of altering the place of meeting of the
Society and to provide a place for the same -
Ordered

On Motion of Mr Baldwin seconded by Mr
Richardson the Society then adjourned
until Saturday next at 6 o'clock.

The Society

Met pursuant to adjournment.

The Vice Benchet took the Chair

The Journals were read by the Rosthonotary.

The order of the day was then read for referring
the Information against Richard C Robison

Thomas Radenbush Horace Rictout and
John A Carlewright to a Committee of the whole

The Society then resolved itself into a Committee
of the whole on the Information against
Richard C Robison and others.

The Committee rose and Mr Chewett as Chairman
reported progress and asked leave to sit
again on the next night - report received.

Mr Baldwin seconded by Mr Chewett then
moved that Mr Radenbush be added to
the Committee to obtain the address of the
late Benchet to the Society - ordered.

The Committee to take into consideration the
propriety of altering the place of meeting of this
Society and to provide a place for the same
reported that they had found a sufficient
place for the meeting of this Society -

The report was then received.

Mr Baldwin seconded by Mr Lyons then moved
that the Society do on the next night of meeting
resolve themselves into a Committee of the whole
to take the report of the Select Committee to
consider of the propriety of altering the place
of meeting of the Society into consideration - ordered.

Mr Baldwin seconded by Mr Chewett then
moved that the Treasurer be directed to

October 27th 1821

lay before the Society on the next night of meeting a report of all the monies now in his hands and what is now due to the Treasury. ordered Mr Cartwright seconded by Mr Baldwin then moved that he have leave to bring in a rule on the next night of meeting to encrease the sum that each member pays into the Treasury - ordered -

On the Motion of Mr Baldwin seconded by Mr Lyons the Society then adjourned until Tuesday next at 6 o'clock

The Society

Met pursuant to adjournment

The Bearer took the Chair

The Journals were read by the Prothonotary

The order of the day was then read for the Committee of the whole to take into consideration the report of the Select Committee on the propriety of altering the place of meeting of this Society

The Committee having sat rose and Mr Chewell as Chairman reported the following resolution

That Messrs Chewell, Rickout and Baldwin be a Committee to furnish the new place of meeting of the Society, and that they be at liberty to draw on the Treasury for the sum of £3 - to defray the expenses of the same -

The Report was then received

Mr Cartwright seconded by Mr Baldwin then moved that the rule to encrease the sum that each member pays into the Treasury be now read a first time - Ordered

The rule was then read a first time

Mr Cartwright then moved that it be read a second time on the next night of meeting seconded by Mr Baldwin. Ordered

The Society then went into Committee on the Information against Richard Robinson Thomas Radenhuist Horace Ridout and John Cartwright

The Committee having sat rose and Mr Whitwell Chairman reported the Information as true. The Report was then received.

The Advocate then moved that Richard C. Robinson Thomas Radenhuist Horace Ridout and John Cartwright be fined the sum of two shillings and six pence each -

Mr Jamson seconded by Mr Richardson that the fine of two shillings and six pence be struck out and that one shilling and three pence be inserted. Ordered

The Treasurer having brought up his Accounts Mr Baldwin seconded by Mr Robinson then moved that the Treasurer's Accounts be ordered to lay upon the table

The order of the day being gone through the order of the Term was then read for the disposition of the question "Is it better to have an annual or a septennial parliament"

The question was then discussed

On motion of Mr Cartwright seconded by Mr Baldwin the Society then adjourned until Saturday next at 10 o'clocks

3 Nov^r 1821

The Society

met pursuant to adjournment -

The Benchers took the chair

The Journals were read by the Prothonotary

The order of the day was then read for the second reading of the rule to encrease the sum that each member pays into the Treasury -

The rule was then read a second time -

Mr Baldwin seconded by Mr Richardson moved that the rule to encrease the Term fee be committed on the next night of meeting - Negatived -

On motion of Mr Cartwright seconded by Mr Lyons the Society then went into Committee on the rule

The Committee having sat rose and Mr Lyons as Chairman reported progress and asked leave to sit again on the next night of meeting -

The Report was then received -

Mr Baldwin seconded by Mr Rickout then moved that there be a Call of the Society on the first, second, third, fourth, fifth and sixth days of next Term or on any one of them ordered -

Mr Cartwright seconded by Mr Hewitt moved that he have leave to bring up the petition of James Boulton and that the same be now read - ordered -

The Petition was then read -

To the Learned the Advocate Society of York
Upper Canada

The Petition of James Boulton of Port Hope
in the District of Newcastle gentleman -

Humbly Sheweth -

That your Petitioner well aware of the great advantages to be derived from an institution, which has for its end, the Instruction of those who may hereafter become

Mr H Steward seconded by ^{John Ridout} ~~John Ridout~~
~~now~~ proposes Mr Deaper as Benchman of this
Society — Carried unanimously

Mr H Steward seconded by
Mr Ridout proposes Mr Sullivan
as vice Benchman of this Society —
Elected by majority of ~~the~~ ^{them}

3^d Nov^r 1821

members of the Bar of Upper Canada, to Res the method pointed out by your regulations to obtain a seat in your Society and therefore hopes your honourable Society will take such further steps for his admission as your Honourable body may think proper And your Petitioner will ever pray

York 26th October
1821

(Signed) Jas Boulton

Mr Clauwight then moved seconded by Mr Baldwin that the name of Mr James Boulton be engrossed on the Journals & ordered -

Mr Clauwight seconded by Mr Lyons moved that the do on the next night of Meeting go into Committee and ballot for the admission of Mr James Boulton. Ordered.

Mr Baldwin as Chairman of the Committee to furnish the new place of Meeting reported that they had furnished the new place of Meeting and had expended the sum of £ 2. 4 in so doing -

The report was then received -

Mr Baldwin seconded by Mr Bidout moved that the Committee to furnish the place of Meeting be continued until the next Term and that they be a Standing Committee for the same. Ordered.

Mr Chewett seconded by Mr Robison moved for leave to bring in a rule for the abolition of the discussion of Political questions in this Society and that the same be now read a first time. Ordered.

The rule was then read a first time

Mr Chewett moved seconded by Mr Robison that the rule for the abolition of the discussion of Political questions in this Society be read a second time on the next night of Meeting. Ordered.

Mr Robison seconded by Mr Chewett then moved that he have leave to bring in a rule on the next

3^d Nov^r 1821

night of meeting to establish a permanent method
of proceeding for the improvement of the Society
Ordered —

The order of the Term was read for the discussion
of the question "Is that law a just one which gives an
Individual the absolute power over the lives limbs
and liberties of his fellow creatures?"

On the McLactwight's motion the Society went
into Committee on the question —

The Committee having sat rose and Mr Richard
-son Chairman reported the question as discussed

The report was then received —

Mr Baldwin seconded by McLactwight moved that
the question be put — Ordered —

The question was then put and unanimously
negatived —

On the motion of McLactwight seconded by
Mr Lyons the Society adjourned —

Mr George Shachan secondly ~~Mr D. B. B.~~
by Mr Foster moves that Mr second
be elected 2nd Vice President.

Carried by Unanimously

