

Ordinance
1801



11/10/03

Advocate
Society.

Ordinances
of the
Advocate Society.

The
Articles of Saint Hilary
made, ordained, constituted and enacted

at The Town of York,
on the thirtieth day of March in the
year of our Lord
one thousand eight hundred and twenty one
Being
The Term of St. Hilary.

Whereas it is absolutely necessary
to provide more effectually for the
permanent establishment and regular
increase of a Society to consist only of
such persons whose names are enter-
ed on the Books of the Law Society of
Upper Canada
Be it therefore Ordained and enacted

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by the Juvenile Advocate Society,

That this Society do and shall on Monday the second day of April in the year of our Lord one thousand eight hundred and twenty one resolve itself into a Society to be known called and denominated by the name of the Advocate Society.

2

And be it further ordained & That a Bench-er be chosen to preside in the said Advocate Society and also that a Vice Bench-er be chosen to perform the duty of the Bench-er in case of his absence.

3

And be it further ordained & That the said Advocate Society do and shall on the first day of each and every Term go into a Committee of the Whole and ballot for the election of the Bench-er and Vice Bench-er.

4

And be it further ordained & That upon the report of such Committee being received by the Society the then Bench-er shall resign his seat office and authority as Ben-

cher to the person so reported to be elected.

5

And be it further ordained & That a Prothonotary and a Treasurer be appointed on the last day of each and every Term

6

And be it further ordained & That the Benchers have full power to appoint a Sergeant in waiting for each and every Term to provide the necessaries for the Society and attend on it when sitting and that such Sergeant in waiting be allowed a Salary of ten shillings per Term.

7

And be it further ordained & That none but Barristers or Students at Law be admitted as Members of the said Society.

8

And be it further ordained & That upon the petition of any Barrister or Student at Law praying to be admitted as a member of the said Advocate Society his name be entered on the Journals and that the said Society on the next or any future day of meeting do go into a Committee of the whole

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4

and ballot for his Admission.

9

And be it further ordained & That every person do and shall on his Admission pay into the Treasury the sum of ten shillings.

10.

And be it further ordained & That no person shall be taken or deemed to have withdrawn himself from the Society so as to be no longer a member thereof until he shall have first given a written notice to that effect to the Society.

11.

And be it further ordained & That the said Advocate Society shall not go into Committee to ballot for the admission of any person who has been once rejected within three Terms after such person has been so rejected.

12.

And be it further ordained & That each and every member of the said Society do and shall pay into the Treasury on the first day of each and every Term the sum of three shillings and nine pence Provided always that such member has attended

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5

once during the preceeding Term.

13.

And be it further ordained &c. That if any member do or shall wish any question to be discussed or argued in the Society he do move the Society in his place to receive such question and if such question be received by the Society it be then entered on the Journals and put on the order of the Term and be read and discussed or argued in its proper place provided always that the mover of any such question or the Society have full power to put off the discussion of or argument on any such question from day to day as long as he or they may think fit or the Society may if they wish to get rid of the question altogether order it to be read on the next or any future Sunday.

14

And be it further ordained &c. That after the discussion of any such question has commenced the discussion thereof may be adjourned by the Society.

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15

And be it further Ordained &c That immediately after any question which is on a nice point of Law is received the Bench or Vice Bench shall assign counsel both with the question (that is to say the mover) and against it and the names of such counsel shall be entered on the Journals respectively.

16

And be it further Ordained &c That in arguing such questions the method pursued in the Court of King's Bench be adopted and followed by the Society and that the Bench or Vice Bench shall preside as Judge in arguing such questions.

17

And be it further ordained &c That in discussing questions the said Society do and shall follow the known manner of proceeding in the House of Commons Provided always that if in discussing any such questions any question of order arise the Bench, or Vice Bench shall decide finally such question of order to the best of his knowledge

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and ability by the Laws of the Society and
the practice of the House of Commons.

18.

And be it further Ordained &c That no altera-
-tion be made in the Laws of the said Soci-
-ety except only by an Ordinance of the
said Society.

19.

And be it further Ordained &c That the
following mode be pursued in enacting
an Ordinance that is to say Leave shall
be moved for to introduce a Rule for such
and such a purpose after obtaining leave
the Rule shall be moved for a first read-
-ing after which it shall be read a se-
-cond and a third time on two different
days and be then engrossed in the Ordi-
-nance Book and be read from the Bench
when no objection whatever shall be made
to it after which it shall be in full force
and effect.

20

And be it further Ordained &c That no

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Rule, the introduction of which has been refused, or which has been lost in any of its stages, as before mentioned shall be again brought before the Society in the same Term.

21.

And be it further ordained &c That the Benchers or Vice Benchers and four of the members of the said Society shall form a Excoium of the said Society.

22.

And be it further ordained &c That all Students at Law shall be admitted below the Bar of the Society without being particularly introduced.

23

And be it further ordained &c That upon the motion of any member the Bar of the Society shall be cleared of strangers.

24

And be it further ordained &c That the said Society shall keep the following Books that is to say A ^{Roll} Book on one side of which shall be engrossed the

names of the members of the Society and the dates of their admission and on the other side the names of the Students at Law with the dates of their admission on the Books of the Law Society. A Rule Book in which shall be engrossed the Rules of the Court of King's Bench, and a Book of Ordinances in which shall be engrossed the several Ordinances of the Society with their titles and dates, all which shall remain in the custody of the Prothonotary for the time being who shall also be obliged to keep the Journals of the Society in the same regular manner that the Journals of the House of Commons are kept which said Journals shall be regularly bound every Term into a Volume under the direction of the Prothonotary.

25

And be it further Ordained That the Prothonotary shall make out the order of the Day and also the order of the Term and lay them before the Bench or Vice Bench at the Commencement of each meeting.

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26

And be it further ordained & That it shall and may be lawful for the Bench or in case of his absence from Town the Vice Bench either at his own option or at the request of any two of the members of the said Society to convene the said Society on any emergency Provided always that every member of the said Society at such time being in town be notified in due time of the said convention.

27

And be it further ordained & That a Committee of Privilege be appointed on the first day of each and every Term which said Committee shall consist of four members.

28

And be it further ordained & That the said Committee of Privilege shall after being appointed retire from the Bar of the Society and having elected an Advocate to preside in the said Committee shall return to the Bar and present him for the approbation of the Bench.

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29

And be it further Ordained & That the said Committee shall appoint a Secretary who shall keep the Journals of the said Committee in the same regular form that the Journals of the Society are to be kept which said Journals shall be laid on the table of the Society on the last day of each and every Term and regularly bound by the Prothonotary.

30.

And be it further Ordained & That the said Committee shall have the absolute power of summoning any member or members of the Society before them.

31

And be it further Ordained & That the said Committee shall have the power of inflicting a fine on the members of the said Society for petit breaches of privilege Pro-
vided always that an appeal shall lie from their decision to the Society.

32

And be it further Ordained & That if the

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Judgment of the Committee be confirmed the
petitioner be over and above the original
fine amerced in the sum of one shilling and three
pence.

33.

And be it further ordained &c That the Ben-
cher or Vice Bench shall have full power
and authority to inflict a fine not exceeding
one shilling and three pence on any mem-
ber of the Society who shall behave indecorous-
ly or disorderly in the said Society of which
conduct he shall be sole Judge provided
always that an appeal shall lie from
such decision to the Committee of Privilege
who shall if they confirm the Judgment
of the Bench amerce the appellant in a sum
not to exceed the original fine.

34

And be it further ordained &c That the said
Society shall have the power of expelling
any member or members from the said Society.

35

And be it further ordained &c That no person

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who has been once expelled from the said Society shall ever again be admitted within its walls.

36

And be it further Ordained &c That no member of the said Society shall be expelled except only by impeachment.

37

And be it further Ordained &c That all Rules of impeachment shall be brought to the Bar of the said Society by the Committee of Privilege and shall be introduced by no other means

38

And be it further Ordained &c That after a Rule of impeachment has been read a first time the impeached shall be furnished with a copy of such Rule by the Prothonotary.

39

And be it further Ordained &c That the said Committee shall have the power to report Rules of Penance Penalties as well

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as Rules of impeachment.

40

And be it further Ordained &c That the members of the said Society shall vote by Ballot on the second and third readings of all Rules of impeachment.

41.

And be it further Ordained &c That no member of the said Committee shall be allowed to vote as a member of the said Society on any question touching the expulsion or punishment of any member or in reversing their own Judgment.



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Wednesday 2nd May. 1821.

1st of Easter Term.

An Ordinance to provide for the
meeting of the Society in cer:
tain cases -

Title ~

Whereas it is necessary to provide for
the meeting of the Society in case of the
non attendance of the Bench or Vice
Bench thereof.

Pream:

Be it therefore ordained and enacted
by the Advocate Society

That during the absence of the Ben: 1st Ena:
cher and Vice Bench of this Society
the Treasurer do preside and possess
the full power of the Bench of the So-
ciety provided nevertheless that
this Ordinance be in effect for the
space of four weeks from the passing
thereof and no longer ~

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Saturday 16th June 1821.

2nd Easter Term.

An Ordinance to extend the privilege
of speaking.

Title

Whereas it is expedient that every mem.
ber of this Society should have every
opportunity of expressing his sentiments
freely and fully.

Pream.

Be it therefore ordained and enacted
by the Advocate Society

That every member of this Society be
at full liberty to speak twice to any ques-
tion in discussion before the Society.

1st Enac.

Saturday 16th June 1821.

3rd Easter Term.

An Ordinance to preserve the Books
of the Society from all errors
whatsoever.

Title.

Whereas it is absolutely necessary for the
well being and respectability of this Society
that its Books of Record should be kept
free from all errors whatsoever.

Pream.

Be it therefore ordained and enacted

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by the Advocate Society

That no alteration whatever shall be made in the Ordinance Book, the Roll or the Journals except only by an order of the Society.

1st Enac.

And be it further ordained & That the Advocate shall during the week next after the close of every Term inspect the Books of the Law Society and shall on the first day of meeting after the close of such week move in his place for the engrossing of any name on the Black side of the Roll which he shall find newly entered on such Books.

2^d Enac.

And be it further ordained & That whenever the Advocate shall find by the Books of the Law Society that any Student at Law has been called to the Bar or that any Barrister has been disbarred he shall move the Society in his place to mark the name of such Student, called, or of such Barrister (if his name be previously entered on the Roll of the Society) disbarred.

3^d Enac.

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And be it further ordeined &c That it shall be 4th Enac:
 the duty of the Prothonotary to inspect the Rule
 Book of the Court of King's Bench during the
 week next after the close of every Term
 and to insert in the Rule Book of this Society
 all the new Rules that he may find
 in such Rule Book Provided always
 and be it further ordeined that such Rules
 be read from the Bench on the first
 day of the next proceeding Term.

Proviso
 to
 1st Enac:

And be it further ordeined &c That any per- 5th Enac:
 -son who shall be found guilty of fal-
 -sifying or altering any of the Books of
 Record of this Society except by or under
 authority of an order of this Society con-
 -trary to the form and meaning of this
 Ordinance shall be deemed to be gui-
 -ty of a high breach of the Privilege of this
 Society and shall be liable to a fine
 not less than five shillings.

And be it further ordeined &c That if the 6th Enac:
 Advocate or the Prothonotary of this Soci:

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city shall neglect the duty imposed on them and each of them by this Ordinance they and each of them shall be liable to be fined in the sum of two shillings and six pence or more at the discretion of the Society.

Saturday 16 June 1821.

4th Easter Term.

An Ordinance to appoint a certain day in each week for the meeting of the Society.

Sitte.

Whereas great inconvenience has lately arisen from not having an appointed day for the meeting of this Society.

Reason.

Be it therefore Ordained and enacted by the Advocate Society.

That the standing day and hour for the meeting of this Society is and the same is hereby declared to be the hour of eight o'clock in the afternoon of each and every Tuesday: Provided always

1st Enact.

proviso
to
1st Enac.

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that nothing in this Ordinance contain-
ed shall extend or be construed to extend
to abridge the right which the Society
now possesses of adjourning from one
day to another or to force the Society
to meet on the day and hour aforesaid.

Tuesday 10th July 1821.

1st Trinity Term.

An Ordinance to preserve the Constitution
of the Society from innovation.

Title.

Whereas the maintenance of the fundamen-
tal principles of the Constitution of this Society
is the only safeguard to its respectability and
whereas great innovations have lately been
attempted ~~from~~ from a groundless idea
of their necessity and whereas such innova-
tions are highly dangerous to the very ex-
istence of this Society and subversive of
the harmony which ought to exist amongst
its members.

Preamble.

Be it therefore ordained and enacted by

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the Advocate Society

That no Ordinance of this Society shall be
dispencced with or be taken or deemed
to be dispenced with by any vote of this
Society or by any other means whatsoever
except only by an Ordinance of this
Society regularly ordained enacted and
passed according to the Laws and
practice of this Society.

1st Enac.

And be it further ordained v^o That no Reso-
lution in opposition to an Ordinance of this
Society shall be of any force virtue or effect
whatsoever.

2^d Enac.

And be it further ordained v^o That no Reso-
lution declaratory of the meaning of any Law
or Ordinance of this Society shall be of any
force virtue or effect except the same be
adopted by a unanimous vote of the Society.

3rd Enac.

And be it further ordained v^o That any
member of this Society who shall be found
guilty of disobeying any Ordinance of this
Society shall be subject to pay a fine of two
shillings and six pence except where other-
wise provided by an Ordinance of this Society.

4th Enac.

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And be it further ordained & That any member of this Society who shall be found guilty of disobeying or disregarding a Resolution or order of this Society shall be liable to pay a fine of two shillings except where otherwise provided by an Ordinance of this Society.

5th Enac.

And be it further ordained & That no Rule shall be read a third time on the same day that it was before the Committee.

6th Enac.

And be it further ordained & That every Ordinance that shall or may hereafter be passed by the Society shall be engrossed in the Ordinance Book and read from the Bench on or before the third day of meeting after such Ordinance shall have been so passed.

7th Enac.

And be it further ordained & That if on the first day of any Term a Quorum of the Society do not assemble it shall and may be lawful for the Bench or Vice Bench to discontinue the meeting until the second day and in the mean time to sum-

8th Enac.

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now the members to give their Attendance
on the second day Provided always
that all the acts done on such second
day shall be taken and deemed to
have been done on the first day and
be entered on the Journals as having
been done on such day.

proviso
8th Enac.

And be it further ordained That if a
Quorum of the Society do not assemble on
the second day it shall and may be law-
ful for the Bench or Vice Bench to dis-
continue until the third day and issue
other summonses for such day under his
hand and seal and so proceed until
the last day of Term.

9th Enac.

And be it further ordained That it shall
and may be lawful for the Bench or
Vice Bench in case a Quorum should
not assemble on the last day of Term to
appoint a Prothonotary and a Treasurer
who shall have the same power and
authority as if appointed by the So-
ciety.

10th Enac.

1821.

And be it further ordained &c That if the 11th Enac:
 Ballots in the Ballot Bag should at any
 time be half yeas and half nays the ques-
 tion on which the Committee or the Society
 shall then be balloting shall be taken and
 deemed to be decided in the negative.

~~Monday~~ 14th July 1821 -

1st Trinity Term.

An Ordinance to abolish the Committee of
 Privilege and to make more effect-
 al provision for the due execution of the
 Laws of the Society.

Whereas the Committee of Privilege not Pacam:
 having answered the ends for which
 it was established should be abol-
 ished

Be it therefore ordained and enacted
 by the Advocate Society

That the Committee of Privilege
 shall be and the same is hereby abo-
 lished to all intents and purposes
 whatsoever

1st Enac:

1821

And be it further ordained & That an Advocate ^{2^d Enac.}
shall be appointed on the last day of each and
every Term to act as public accuser -

And be it further ordained & That the ^{3^d Enac.}
Benches or Vice Benches shall have full
and absolute power to appoint an Advoca-
-cate for any Term on the last day of which
a Quorum of the Society may not assemble.

And be it further ordained & That all ^{4th Enac.}
Laws and Resolutions establishing orga-
-nizing or regulating the said Committee
of Privilege shall be and the same are
hereby repealed annulled and made
void and of non effect to all intents and
purposes whatsoever.

And be it further ordained & That all ^{5th Enac.}
accusations shall be commenced by
filing in the Office of the Prothonotary a
Rule in cases of Impeachment and
an Information in all other cases.

Provided always that the Advocate ^{Proviso}
shall deliver to the Defendant in every ^{to} ^{5th Enac.}
such case a Notice in writing of his in-

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tention of filing such Rule or Information at least two days before such Rule or Information shall be filed which notice shall specify the charges of which such Defendant stands accused.

And be it further ordained & That all Rules of Impeachment and Informations shall be put the first thing on the order of the next day of Meeting after they have been filed.

6th Enac:

And be it further ordained & That it shall be the Duty of the Advocate to impeach any member of the Society upon the instance of any two Members.

7th Enac:

Saturday 17th November 1821-

An ordinance to increase the term fee

St Michaelmas
Term 1821

Title:

Whereas the funds of the Society are inadequate for the purposes thereof —

Preamble:

Be it therefore ordained and enacted by the advocate Society

1821

I That the twelfth article of Saint Hilary shall be and the same is hereby repeated — ^{1st Enac:}

II And be it further ordained ^{2^d Enac:} That every member of this Society shall pay into the treasury on the first day of each and every Term — a term fee of Five shillings provided always that such member ^{Proviso} has been four times in his place during the preceding Term —

III And be it further ordained ^{3^d Enac:} That every member of this Society who has not been four times in his place during the preceding term shall on the first day of each term pay of two shillings and sixpence, provided always that such member shall have been once in his place during the preceding term —

IV And be it further ordained ^{4th Enac:} That the proviso to the second clause of this ordinance shall not extend to any member of this Society residing in York

1821

Saturday 17th November 1821 -

And Ordinance to establish a permanent method of proceeding for the improvement of the Society

2^d Michaelmas Term

Fille:

Whereas it would be highly conducive to the welfare of the Society that some permanent method of proceeding for the future guidance and improvement thereof should be adopted by the Society -

Means:

Be it therefore ordained &c that from and after the passing of this ordinance, the Benchers shall have full power and authority to nominate and appoint some one member of this Society whose duty it shall be to read aloud for the improvement of the Society on every night of the meeting thereof such portion of Blackstones Commentaries or such other author on the Laws and constitution of England as shall be approved of by the Society -

1st Quae:

Provided always that the time of such reading be immediately before the adjournment of the Society

1st Thores:

Provided always and be it further ordained &c that this ordinance shall not be construed to

2^d Proviso:

1821

subject any member of this Society
to such appointment by the Benchers
for more than two Evenings successively

1st Term

Monday 17th December 1821-

3rd Michaelmas Term

An Ordinance to establish the Title
Armorial bearings of this Society and
to regulate the relative rank of its se-
veral officers and members.

Whereas this Society has now become a
numerous and respectable body and in-
convenience has been felt as well
from the want of a known seal to
authenticate the public acts of the Soci-
ety as from the uncertainty of the relative
rank of its several officers and members
and it has therefore become expedi-
ent and necessary to establish a Seal
for the Society and to make some other
regulations for the better ordering of the
same

4th Term

Be it therefore ordained and enacted

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by the Advocate Society,

That the following shall be the arms ^{1st Enac}
of this Society that is to say The Shield;
Azure Field, Inescutcheon Argent,
Three Kings conjoined or, Letters **A** in
the dexter chief **S** in the sinister
chief **U C** in the middle precise base
table: The Crest; A hand holding a
Book proper: The Motto; The words
Auspicium melioris ævi.

And be it further ordained & That ^{2nd Enac}
the Arms of this Society shall be the
device of its seal.

And be it further ordained & That the ^{3rd Enac}
Society shall resolve itself into a Com-
-mittee of the whole and ballot for the
election of a Keeper of the Great Seal
who shall be invested with his office
by having the Great Seal delivered to
him from the Bench.

And be it further ordained & That ^{4th Enac}
the Society may proceed to the election
of a new Keeper of the Seal on the last
day of any Term.

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And be it further ordained & That it shall ^{5th} Enac.
be the duty of the Keeper of the Seal to affix
the Great Seal of this Society to all such
parchment Instruments as shall or
may have been previously signed by
the Bench or Vice Bench and in
the margin of which the Prothonotary
has signed his name.

And be it further ordained & That ^{6th} Enac.
if the Keeper of the Great Seal shall
be found guilty of affixing the Great
Seal of this Society to any Instrument
other than what is mentioned in
the fifth enactment of this Ordinance
he shall be deemed to be guilty of a high
breach of the Privilege of this Society and
shall be fined in the sum of two pounds
or more at the discretion of the Society
together with such other punishment as
the Society shall think fit to inflict.

And be it further ordained & That if ^{7th} Enac.
any member of this Society shall be
found guilty of disrespecting or contemning

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the Great Seal of this Society by disobeying or disregarding any instrument or order to which such Seal has been legally affixed he shall be deemed guilty of a high breach of the Privilege of this Society shall be fined in the sum of ten shillings or more at the discretion of the Society and suffer such other punishment as the Society shall think fit to inflict.

And be it further ordained^{8th Enac.} That the following shall be the relative rank of each Officer and member of this Society that is to say First, The Benchers; Second, The Vice Benchers; Third, The Keeper of the Great Seal; Fourth, The Treasurer; Fifth, The Advocate; Sixth, The Prothonotary; Seventh, The Senior Student; Last the Junior Students according to their standing on the Black side of the Roll.

And be it further ordained^{9th Enac.} That the Second, Third, Fourth, Fifth,

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Sixth, Seventh, and Eighth Enactments of this Ordinance shall be and the Provisions of the same are hereby suspended.

1822

Saturday 5th January 1822

4th Michaelmas Term

An ordinance to Provide for the more speedy meeting of the Society after an adjournment for default of a Quorum

Whereas when the Bench or Vice Bench have been objected to -
- Join the Society for the want of a Quorum or the Society have been unable to sit from the absence of the Bench or Vice Bench a long space of time has elapsed before the regular day for the meeting of the Society arrives and thereby much valuable time has been lost and great inconvenience has been felt thereby -

Be it therefore ordained and enacted by the aforesaid Society That if at any time after the passing of this Ordinance the Society shall be adjourned for default of a Quorum or shall not be able to sit from

1822.

the absence of both the Benchers and
vice Benchers it shall and may be
lawful for the Society and the
Society shall meet on the next day
or some other day or time.
And be it further Ordained &c.
That no Sunday or Holy day shall
be a day within the meaning of
this Ordinance.

2nd Encl.

Tuesday 25th June 1822

1st Easter Term

An Ordinance to establish another
and more convenient System for De-
bating.

Title.

Whereas the continual interruptions
which occur in proceeding in the busi-
ness of the order of the Term under the
present Laws and the duplicity of the
Questions as they are now moved
being evils highly detrimental to the
well being of the Society and subver-
sive of the ends for which it was origi-
nally established it is necessary to re-

Preamble

Ordinances.

1822.

medy the same without if possible at
once abandoning the present System
for one founded only upon Theory.

Be it therefore ordained and
Enacted by the Advocate Society

That there shall be two separate and in- 1st Enac.
dependent Sitzings of the Society
solely for the disposal of Questions.

And be it further ordained &c. That 2nd Enac.
the First shall be a Legal Sitting for
the arguing of Legal Questions.

And be it further ordained &c. That the 3rd Enac.
Bencher or Vice Bencher shall pre-
side in the said Legal Sitting.

And be it further ordained &c. That 4th Enac.
the Bencher or Vice Bencher and
three members shall form a Quorum

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of the said Legal Sitting.

And be it further ordained v. That ^{5th Enac.}
the said Legal Sitting shall sit at
five of the Clock in the afternoon of
every day Sundays and Holy Days
excepted or at any other time that
it may be adjourned to by the Bench.

And be it further ordained v. That ^{6th Enac.}
every question to be argued in the
said Legal Sitting shall be drawn
up in the form of a case and sign-
ed by two members the one as Coun-
sel for the Plaintiff the other as
Counsel for the Defendant which
case shall be entered with the Ben-
cher or Vice Bencher who shall there-
upon read it to the said Sitting and
assign at pleasure additional Counsel.

And be it further ordained v. That ^{7th Enac.}

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there shall be no order of the Term in the said Legal Sitting but the proceedings shall be entirely according to the method practiced in the Court of King's Bench -

And be it further ordained &c. That in the 8th Enac: Legal Sitting the Rule of precedence shall be as established by an Ordinance passed in the Term of Michaelmas in the year of our Lord one thousand eight hundred and twenty one entitled "An Ordinance to establish the annual bearings of this Society and to regulate the relative rank of its several officers and members -"

And be it further ordained &c. That the 9th Enac: Counsel against whose Client Judgment by default shall be given shall pay into the Treasury a relief of six pence

1822

provided always that this clause do not extend to any Counsel assigned by the Bench.

And be it further ordained v. That the 10th Enac:
second shall be a Common Sitting for the the discussion of General Questions.

And be it further ordained v. That 11th Enac:
the Vice Benchers shall preside in the said Common Sitting.

And be it further ordained v. That the 12th Enac:
Vice Benchers and three Members shall form a Quorum of the said Common Sitting.

And be it further ordained v. That 13th Enac:
the said Common Sitting shall sit at eight of the clock in the afternoon of every day Sundays and Holy Days excepted or at any other time that it

1822.

may adjourn to-

And be it further ordained v: That all ^{14th Enac:} General Questions which may be intended to be discussed in the said Common Sitting shall be moved in the nature of motions thus: A. B. seconded by C. D. moves That he have leave to move "That the Law of Primogeniture is a civil and not a natural right."

And be it further ordained v: That the ^{15th Enac:} Society shall have the full power of appointing in cases of emergency a Commissioner to perform the duty of the Vice Benchet in the Common Sitting provided always that the necessity of such appointment be first determined by a unanimous vote of the Society-

1822.

And be it further ordained v. That the 16th Enac:
Bencher or Vice Bencher shall report
from the Bench to the Society from
time to time the questions disposed of
in the Legal Sitting the names of Coun-
-sel and Judgment: and the Vice
Bencher from his place the Ques-
-tions disposed of in the Common
Sitting together with the yeas and nays
if taken -

And be it further ordained v. That the 17th Enac:
Bench in the said Sittings shall have
as full a power to fine as in the Society -

And be it further ordained v. That 18th Enac:
nothing in this Ordinance contained
shall be construed to repeal or annul any
Law or Ordinance of the Society whatsoever -

1822-

And be it further ordained &c. That ^{19th Enac:}
 any Member who shall take his seat
 in either of the said Sittings shall
 be considered to all intents and purpo-
 -ses to have taken his seat in the
Society -

Tuesday 25th June 1822

2nd Easter Term

An Ordinance to appoint. Q. John Title
 Jennings Taylor a Member of this So-
 -ciety -

Whereas one John Jennings Taylor ^{Pream:}
 has petitioned this Society to be admit-
 -ed a Member and it appears that
 the said John Jennings Taylor is
 a Gentleman by birth habits and
 education that he is a Clerk duly an-

1822-

-titled to William Warren Baldwin
Esquire one of the Attornies of his Majesty's
Court of King's Bench in this Province
and that he intends to apply to the Law
Society to be admitted on their Books
as a Student at Law so soon as he
shall be enabled to qualify himself to
pass the usual examination before the
Benchers of that Society: and where-
-as it appears expedient for the reasons
above stated that the said petition of
the said John Jennings Taylor should
be granted so far as is consonant to the
principles of the Constitution of this So-
-ciety and consistent with its safety
and independence.

Be it therefore Ordained and enacted

1822

By the Advocate Society

That the said John Pennings Taylor = 1st Enac:
-lor shall be and he is hereby made
constituted nominated and appointed
ed a Member of this Society -

And be it further ordained v. That 2nd Enac:
the name of the said John Pennings
Taylor be forthwith engrossed blank
on the Red side of the Roll -

And be it further ordained v. That 3rd Enac:
the said John Pennings Taylor shall
within a reasonable time pay into
the Treasury through the proper
officer the usual admission Fee -

And be it further ordained v. That 4th Enac:
the Advocate for the time being shall
within one month after the name of
the said John Pennings Taylor has

1822.

been engrossed on the Black side of the Roll according to the form of the Ordinance in such case made and provided, move the Society in his place to have the blanks in the name of the said John Jennings Taylor on the Red side of the Roll filled up according to such entry on the Black side of the Roll.

And be it further ordained &c. That ^{5th Enac.} this Ordinance shall remain in force so long as the said John Jennings Taylor shall continue to pursue the study of the Law and remain an articled Clerk to an Attorney of the Court of King's Bench in this Province.

1822

Saturday 20th July 1822 1st Trinity Term

An Ordinance to alter the manner of nominating the officers of this Society

Whereas inconvenience is felt from there being no fixed day for the appointment of the officers of the Society

Be it therefore Ordained and Enacted by the Advocate Society

That the officers of the Society be appointed henceforth by writ under the Great Seal having been first named by an order of the Society

And be it further Ordained

That three days notice of motion for issuing a new writ for the appointment to any Office be given

1822

except ^{where} such Office has become
vacant by resignation

And be it further Ordained ^{3^d time}
That the Fifth Article of Saint Hilary
and the Second enactment of
an Ordinance passed in the Term
of Trinity in the Year of Our Lord
One thousand eight hundred and
twenty one entitled "An Ordinance
to abolish the Committee of Privilege
and to make more effectual provision
for the due execution of the Law of
the Society" be and the same are hereby
repealed so far as they relate to the
time of appointing Officers.

1822

Thursday 25th July 1822.2nd Trinity Term

An Ordinance to authorise the
election of a Vice Benchet for this
Term.

Wherras the late Vice Benchet
has resigned the Chair and it
is expedient that the Vice
Benchet's Chair should be filled.

Be it therreforr Ordained
and Enacted by the Advocate Society
That the Society do forthwith
go into Committee to elect a
Vice Benchet and elect a Vice
Benchet accordingly.

1822

Thursday 25th July 18223rd Trinity Term

An Ordinance to impose a fine
on any member of the Society who shall
absent himself without a sufficient
excuse.

Whereas it would conduce much
to the respectability of the Society
that the meetings should be
attended with regularity and
that some adequate provision
should be made to remedy
the inconveniences experienced
from the irregular attendance
of several members. —

Be it therefore ordained and
enacted by the Advocate Society

1822

That whenever any Member shall be absent from the regular meetings of the Society or at any time when the Society shall not have been able to meet for want of a Quorum on any day to which it may have adjourned and at his next attendance do not give some sufficient excuse to the Society for such his absence such member shall be fined by the Bench or Vice Bench in the sum of Six pence for every time he may have so absented himself from the several meetings of the Society.

1822.

And be it further ordained &c.
That the fines to be paid under this
Ordinance shall be paid to the
Treasurer to be applied to the
common uses of the Society.
And be it further ordained &c.
That this Ordinance continue
and remain in force until
the last day of Hilary Term
next and no longer. —

Wednesday 13th January 1823. 1st Michaelmas Term.

An Ordinance to prevent too hasty a
determination to admit as Members of
this Society others than Students
at Law —

1823

Whereas a Code commonly called the Constitutions of Saint Michael has been approved as the only safe method of admitting Gentlemen not Students at Law to partake of the benefits of this Institution and whereas such a great innovation in the constitution of the Society ought not to be permitted without due consideration -

Be it therefore ordained and enacted by the Advocate Society That one or more member or members of the Society may at his or their private costs purchase a proper Book and engross the said Constitutions of Saint Michael therein and after comparing the same with the Beucher for the time being they shall in the presence of the said Beucher tie up and seal

1823

the said Book and the said Benchers shall direct the Prothonotary for the time being to file the same in his office there to remain unopened until such time as the Society shall or may adopt the Resolution hereinafter mentioned immediately after which the same shall be opened and from thence forth be the Ordinance Book of the Society.

And be it further Ordained & That at any time after a Book as aforesaid shall have been so filed in the Office of the Prothonotary the filing of which shall be reported by the Prothonotary to the Society any member may after giving eight calendar days notice move a Resolution to this effect

"Resolved that the benefits of this Institution be no longer confined to Students

1823-

at Law but be extended to other Gentlemen and after the same shall have been read he shall on that or some future day move that it be approved conditionally and on some following day again move that it be approved conditionally and so on until the same shall have been approved conditionally four times successively after which but on some subsequent day he shall move that it be approved absolutely after which but on some subsequent day he shall move the Resolution and if such Resolution shall be then carried in the affirmative the said Constitution of Saint Michael shall be deemed to have been in force from the day next before the day of the date thereof provided always that the said Reso=

1823.

lution shall not be brought in twice
the same Term —

Saturday 5th April 1823.

1st Hilary Term.

An Ordinance to appoint Robert
Baldwin Sullivan a Member of this
Society.

Whereas Robert Baldwin Sullivan has
petitioned this Society to be admitted
a Member and it appears that the
said Robert Baldwin Sullivan is
a Gentleman by birth habits and
education that he is a Clerk duly
articled to William Manners Baldwin
Esquire one of the Attornies of his
Majesty's Court of King's Bench in
this Province and that he intends
to apply to the Law Society to be
admitted on their Books as a
Student at Law so soon as he

1823

shall be enabled to qualify himself
to pass the usual examination before
the Benchers of that Society And
Whereas it appears expedient for the
reasons above stated that the said
petition of the said Robert Baldwin
Sullivan should be granted so far
as is consonant to the principles
of the Constitution of this Society
and consistent with its safety and
independence.

Be it therefore ordained and
Enacted by the Advocate Society
That the said Robert Baldwin
Sullivan be and he is hereby made
constituted nominated and
appointed a Member of this
Society.

And be it further ordained & That
the name of the said Robert Baldwin
Sullivan be forthwith engrossed

1823

Blank on the Red side of the Roll.
And be it further ordained & That
the said Robert Baldwin Sullivan
shall within a reasonable time pay
into the Exchequer the usual admission
-on fee.

And be it further ordained & That
the Advocate for the time being
shall within one month after
the name of the said Robert Bal-
-dwin Sullivan has been enrop-
-ed on the Black side of the Roll
according to the form of the Ordi-
-nance in such case made and
provided move the Society in
his place to have the Blanks in
the name of the said Robert Bal-
-dwin Sullivan on the Red side
of the Roll filled up according to
such entry on the Black side of the
Roll.

1823.

Provided always and be it further
ordained and enacted by the Ad-
-vocate Society That the said Robert
Baldwin Sullivan shall by the
last day of Hilary Term next file
in the Office of the Prothonotary a
Certificate signed by one of the
Benchers of the said Law Society
of his having been duly admitted
on the Books as aforesaid in default
of which this Ordinance shall
be null and void.

1823

Tuesday 6th June 1823.

717e

An Ordinance to regulate the admission of articled Clerks not Students at Law.

Whereas persons laboring under circumstances of peculiar difficulty, have by special ordinances been admitted as members of this Society, who have not been entered on the books of the Law Society - but who are clerks articled to Barristers with the intention of applying for admission on the books of the said Law Society when perfectly qualified to pass the necessary examination

Prعان

And Whereas it is necessary to prevent any frauds being practised by such members for the purpose of gaining admission into this Society

Be it therefore ordained and enacted by the Advocate Society -

of
Bmac
tment

That no ordinance appointing any articled Clerk not a Student at Law - a member of this Society shall be engrossed in the ordinance book by the officers of the Society.

or if so engrossed be read from the Bench
by the Bench or Vice Bench unless
there is a clause in such ordinance
limiting the continuation of it
to three Terms or less

And be it further ordained and
enacted by the authority aforesaid 2. End
et.
That within three Terms from
the passing of this ordinance any
person who may now be a mem-
ber of this Society admitted in
manner before specified shall file
in the office of the Prothonotary
a certificate signed by one of the
Benchers of the Law Society that
such member has been duly ad-
mitted on the books of the said
Society, otherwise his seat shall be
deemed vacated and he shall no
longer be a member of this Society
Any Law or ordinance to the con-
trary thereof in any wise not-
withstanding.

Provided always and be it further Prov^d
ordained and enacted by the autho-
rity aforesaid -

That nothing in this ordinance
contained shall be construed to

attend to repeal or in any wise alter
the fifth enactment of an ordinance
passed in Easter Term 1822 entitled
an "Ordinance to appoint John
Pennings Taylor a member of this
Society."

1823.

Friday August 18th 1823-

An Ordinance to ascertain the
Constitution of the Society.

Whereas a certain Constitution has Preamble
been prepared for the Society which
it is expedient to adopt,

Be it therefore ordained and e- 1st Enactment
nacted by the Advocate Society,

That the Constitution digested by the
Select Committee and engrossed in
the Book in the which the Con-
stitutions of Saint Michael are
engrossed shall be and is hereby
declared to be the Constitution of the
Society to the exclusion and repeal
of all and every other whatsoever

And whereas a development of the 2nd Enactment
common customs of the Society
has been prepared and engrossed
in a proper book and whereas it

1823

is expedient, to remove all doubts touch-
ing the same Be it ordained and
enacted by the Advocate Society

That the said Book in which the
said work is now engrossed shall
be and it to all intents and purposes
the Ordinance Book of the Society
that is to say the Book of Enrol-
ments.

And be it further ordained & That 3^d Enactment.
the Ordinances hereinafter men-
tioned shall be and they are here-
by declared to be Ordinances of the
Society after they shall have been
enrolled according to the common
customs of the Society.

1st of Hilary 2nd & 3rd years

An Ordinance to raise a revenue
to defray the expenses of the Admini-
stration of the affairs of the Society
Delivered the 5th day of February 1823

For the purposes of raising a revenue
to defray the necessary expenses of the
Administration of the affairs of the
Society,

Be it ordained by the Advocate So-
ciety,

Chapter 1st That every person on
his admission into the Society shall
pay a fee of eight sixteenths of a quin-
dra,

Chapter 2nd And be it further or-
dained by the Authority aforesaid
That every member shall pay
a term fee on the first day of
each Term according to the fol-
lowing Schedule,

Schedule,

For one attendance in his place in any of the Chan- bers of the Society during	One fourth of a Sixteenth
--	---------------------------

the preceding Term --	{ equal to four pence -
For two Attendances --	{ Half a Sixteenth equal to Eight pence
For three attendances	{ One Sixteenth equal to One Shilling and five pence halppenny -
For four attendances	{ Two Sixteenths equal to Two Shillings and e- leven pence
For any number of Attendances more than four	{ Four sixteenths equal to five shillings and ten pence

Chapter 3^d And be it further or-
dained by the authority aforesaid,
That for every memorandum filed by
the Prothonotary the person who
ought to have made it out and
filed it in the first instance shall pay
a fee of one fourth of a Sixteenth -

2nd of Hilary 2nd & 3^d years

An Ordinance to enforce the attendance of Members in their places - -

Delivered the 11th day of February 1823

To Enforce the Attendance of Members in their places,

Be it ordained by the Advocate Society,

Chapter 1st That any member who shall neglect in his place in the several public bodies of the Society shall be subject to the penalty of one half of a sixteenth for every such neglect over and above any punishment or fine to which he may be liable by the common customs of the Society -

3^d of Hilary 2nd & 3^d years

An Ordinance to admit John Hennings Taylor a member of this Society,

Delivered the 11th day of February 1823

Whereas John Hennings Taylor

has petitioned to be admitted a

Member and it appears that the said

John Hennings Taylor is a Gentleman by birth Habit and education

that he is a Clerk duly articled to

William Warren Baldwin Esquire

one of the Attornies of his Majesty;

Court of King's Bench in this Province and that he intends to apply to

the Law Society to be admitted on

their Books as a Student at Law

so soon as he shall be enabled to

qualify himself to pass the usual examination before the Benchers of that Society and it therefore appears that the said John Pennings Taylor may be admitted a Member according to the common Customs of the Society and the Society assents that he should be.

Be it therefore ordained by the Advocates Society,

Chapter 4th That the said John Pennings Taylor shall be and he is hereby admitted and constituted a Member of the Society.

And be it further ordained by the authority aforesaid That this ordinance shall remain in force for the space of four terms from the passing thereof and no longer.

4th of Hilary 2nd Y. 3^d years -

An Ordinance to admit Robert Baldwin Sullivan a member of this Society

Delivered the 5th day of April 1823.

Whereas Robert Baldwin Sullivan has petitioned to be admitted a Member and it appears that the said Robert Baldwin Sullivan is a Gentleman by birth habits and education that he is a clerk duly attached to William Warren Baldwin Esquire one of the Attornies of His Majesty's Court of King's Bench in this Province and that he intends to apply to the Law Society to be admitted on their books as a

Student at Law so soon as he shall
be enabled to qualify himself to pass
the usual examination before the
Benchers of that Society and it
therefore appears that the said
Robert Baldwin Sullivan may
be admitted a Member according
to the common Customs of the So-
ciety and the Society assents that
he should be,

Be it therefore ordained by the
Advocate Society,

Chapter 1st That the said
Robert Baldwin Sullivan shall
be and he is hereby admitted and
constituted a Member of this
Society.

Chapter 2nd And be it further
ordained by the Authority afore-

said, That this ordinance shall remain in force for the space of, four Terms from the passing thereof and no longer.

1st of Easter, 3^d year.

An Ordinance to repeal an Ordinance passed in the Term of Hilary in the second and third years of the Society entitled "An Ordinance to enforce the attendance of Members in their places"

Delivered the 3^d day of May 1823.

Whereas it is inexpedient to force the attendance of Members in their places by any other or sever

or punishment, than may be in-
flicted by the common customs
of the Society,

Be it therefore ordained by the
Advocate Society,

Chapter 1st. That an Ordinance passed in the Term of Hilary in the second and third years of the Society entitled "An Ordinance to enforce the Attendance of Members in their places" &c and the same is hereby repeated.

1st of Trinity - 3^d year.

An Ordinance to authorise the suspension for a limited time of an Ordinance passed in the

Term of Easter in the third year
of the Society entitled "An Or-
dinance to repeal an Ordinance
passed in the Term of Hilary
in the second and third years of
the Society entitled "An Ordi-
nance to enforce the attendance
of Members in their places"

Delivered the 22nd day of July 1823

Whereas it is necessary to provide
for the prompt suspension of
An ordinance passed in the Term
of Easter in the third year of the
Society entitled "An Ordinance
to repeal an Ordinance passed in
the Term of Hilary in the se-

cond and third years of the Society
entituled "an Ordinance to enforce
the Attendance of Members in their
places" whenever such suspension
may be necessary.

Be it therefore ordained by the Pro-
vocate Society,

Chapter 1st That it shall and
may be lawful for the Com-
mittee of Direction whenever the
same may appear expedient to sus-
pend the said Ordinance by an
Instrument under the Seal of
the Society for a space of time
not greater than ninety days nor
less than thirty at one time.

Chapter 2nd And be it further
ordained by the Authority a-
foresaid that such Instrument

shall be once publicly read at
the usual place of meeting of the
House immediately after the
adjournment of that Chamber.
Chapter 3^d. And be it further
by the Authority aforesaid,
That no member shall be con-
victed under the said Ordinance
for non attendance during the
time of such suspension unless
he shall have been proved to have
been present when the said In-
strument shall have been pub-
licly read or to have received a no-
tice that the same had issued.

2nd of Trinity 3^d year -

An Ordinance to provide for the

regulation of forms.

Delivered the 22nd day of July 1823

In order to obtain and preserve Regularity in the forms of proceedings Be it ordained by the Advocate Society,

That Richard C. Robison, Robert Baldwin and Charles Richardson or any two of them shall draw up a Book of forms and register the same in the Prothonotary's Office.

Chapter 2nd. And be it further ordained by the Authority aforesaid that if, in time to come any new form shall be wanting, it shall and may be lawful for

Benchers and Vice Benchers for the
time being and the person or persons
executing the office of Treasurers
together with the Advocate to
meet at the Chambers of one of them
and having agreed upon a form, to
register it in like manner.

3^d of Trinity 3^d year

An Ordinance to lessen the Term fee
for more attendances than four

Delivered the 22nd day of July 1823

Whereas it is thought expedient to
lessen the Term fee for more at-
tendances than four,

Be it therefore Ordained by the Advocate

Society.

Chapter 1st. That the Term fee for more attendances than four shall be ten pence less than as established by an Ordinance passed in the Term of Hilary in the second and third years of the Society entitled "An Ordinance to raise a revenue to defray the expenses of the Administration of the affairs of the Society" —

14th of Trinity. 3^d year. —

An Ordinance to empower the Benchers under the authority of the Chamber of the Society to nominate the Officers of the Society —

Delivered the 22nd day of July 1823

Whereas it is expedient to authorise
the Benchers under the authority
of the Chamber of the Society to no-
minate the officers,

Be it therefore enacted by the ad-
vocate Society,

Chapter 1st That the Benchers shall
have power under the Authority
of the Chamber of the Society to issue
the warrants for Commissions to
persons as Officers of the Society.

Section 2nd Provided always that
none of the proceedings in issuing
such warrants shall be entered on
the Journals on the Journals of
the Chamber but shall be consi-
dered as dehors the Chamber.

Chapter 2nd And be it further a-

-dained by the authority aforesaid
That the Keeper of the Seal shall
act upon any such warrants as upon
warrants of the Committee of di-
rection before the passing of this
Ordinance.

5th of Trinity 3^d year

An Ordinance to alter the name of
the public Officer heretofore called
the Advocate

Delivered the 4th day of August 1823.

Whereas much inconvenience has
been experienced from a public
officer of the Society's having been
heretofore called the Advocate of

the Advocate Society, for remedy
thereof,

Be it therefore ordained by the Advo-
cate Society,

Chapter 1st That from and after
the passing of this Ordinance the
Public Officer of the Society who
has heretofore been called the
Advocate shall be ^{called} the Solicitor

