





## The Society

met on the first day of Michaelmas Term  
being the fifth day of November in the year of  
our Lord 1821

The Journals were read by the Prothonotary -

It was then unanimously resolved that the  
Election of the Benchers and Vice Benchers super-  
seded the order of the day -

Mr Lyons was then called to the Chair of the  
Committee

The Committee having sat rose and Mr Lyons  
reported Mr Alexander Chewett Elected Benchers  
by a Majority of four and Mr John H Samson elected  
Vice Benchers by a majority of six -

The Report was then received -

Mr Chewett then took his seat as Benchers -

The Benchers then appointed John Doe Sergeant  
in waiting -

It was then unanimously resolved on the motion  
of Mr John H Samson seconded by Mr Baldwin that  
the Thanks of this Society be presented to Mr David  
Wm Smith the late Benchers and that the same be  
presented to him by a select committee together with  
an attested copy of this resolution -

Mr Samson seconded by Mr Baldwin then  
moved that Messrs Lyons Baldwin and Samson  
be a committee to wait on Mr Smith with the  
vote of thanks of this Society - *Resolved* -

The order of the day was then read for the Committee  
of the whole on the rule to encrease the Term fee -

The Committee having sat rose and Mr Lyons as  
Chairman reported the rule as adopted -

The report was then received -

Mr Cartwright seconded by Mr Lyons then moved  
that the rule to encrease the Term fee be read a  
third time on the next night of Meeting -



6 November 1821

Mr Baldwin then moved seconded by Mr Richardson  
that the rule to encrease the term be recommitted  
on the next night of meeting — Ordered —

The order of the day was then read for the Com-  
- mittee of the whole to ballot for the admission  
of Mr James Boulton —

Mr Baldwin seconded by Mr John Samson then  
moved that the Committee of the whole to ballot for  
the admission of Mr James Boulton be postponed  
untill the next night of meeting — Negatived —  
The yeas and nays being called for there appeared  
yeas

Mr Baldwin

Yeas

Nays

Robison Lyons

John Samson Ridout

Smith Richardson

Cartwright

The Society then went into Committee

The Committee having sat rose and Mr Robison as  
Chairman reported Mr Boulton elected by a  
majority of six — The report was then received —

The order of the day was then read for the second  
reading of the rule to abolish the discussion of political  
questions in this Society —

The rule was then read a second time

The Society then went into committee on the rule

The Committee having sat rose and Mr John Samson  
as Chairman reported propys and asked leave to  
sit again on the next night of meeting —

The report was then received —

Mr Robison seconded by Mr Cartwright then moved  
that the rule to establish a permanent method of



5<sup>th</sup> Nov<sup>r</sup> 1821

proceeding for the improvement of this Society be now  
read a first time — Ordered —

The rule was then read a first time

Mr Robison seconded by Mr Jamson moved that the  
rule to establish a permanent method of proceeding  
for the improvement of this Society be read a second  
time on the next night of Meeting — Ordered —

On the motion of Mr Richardson seconded by Mr Baldwin  
the Society then adjourned untill Wednesday next  
at six o'clock —

### The Society

7<sup>th</sup> Nov<sup>r</sup> 1821

Met pursuant to adjournment

The Benchet took the Chair

The Journals were read by the Notthondary

Mr John Jamson as Chairman of the Select Committee  
to present the address of Thanks to Mr Smith reported  
that they had presented the same —

Mr Baldwin then moved seconded by Mr Robison  
that he have leave to bring in a rule to establish the  
Regality of the Society on the second night of Meeting and  
that the same be then read a first time — Ordered —

The order of the day was then read for the Committee  
of the whole on the rule to encrease the Term fee —

The Society then went into Committee on the rule

The Committee having sat rose and Mr Lyons as  
Chairman reported the rule as amended —

The report was then moved —

The yeas and nays being called for then appeared —  
yeas  
nays

Robison Lyons  
John Jamson Cartwright

Nays  
Richardson Baldwin  
Smith

Mr Cartwright seconded by Mr John Jamson then  
moved that the rule to encrease the Term fee



7th Novbr 1821

be engrossed and read a third time on the next night of Meeting

Mr Smith seconded by Mr Baldwin then moved an amendment that the rule be recommitted on the next night of Meeting negative, the original motion was then carried

Mr Lyons seconded by Mr Cartwright then moved the Committee of the whole on the rule to abolish the discussion of political questions in this Society be postponed until the next night of Meeting. — Ordered —

The order of the day was then read for the second reading of the rule to establish a permanent method of proceeding for the improvement of the Society

The rule was then read a second time —

Mr Robison then moved seconded by Mr Cartwright that the Society do go into Committee on the rule —

Mr Baldwin seconded by Mr Lyons that he moved that the rule be committed on the next night of Meeting — Negative —

The Society then went into Committee on the rule

The Committee having sat rose and Mr Richardson Chairman reported the rule as amended —

This report was then received —

Mr Robison then moved seconded by Mr Lyons that the rule to establish a permanent method of proceeding for the improvement of this Society be engrossed and read a third time on the next night of Meeting — Ordered —

The order of the day being gone through

Mr Baldwin seconded by Mr Robison then moved that the first question on the order of the Term —

"Has the Legislature of a Mother Country any right to tax a Colony which sends no representatives to such Legislature?" be put on the order of Holiday Term next — Ordered —

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



The Society met pursuant to adjournment

The Bench took the Chair

The Journals were read by the Prothonotary

Mr Baldwin then moved seconded by Mr Cartwright  
that the Society do now resolve themselves into a  
committee of the whole to ballot for the admission  
of Mr John W Dowal - Ordered

The Society then went in to Committee

The Committee having sat rose and Mr Smith  
Chairman reported Mr W Dowal unanimously  
admitted - The report was then received -

Mr W Dowal then took his seat

The order of the day was then read for the third  
reading of the Rule to increase the Term fee

The rule was then read a third time

Mr Baldwin then moved seconded by Mr  
Radcliff that it is the practice of this Society  
that all rules are to be read by the Bench a  
third time - Resolved

The yeas and nays being called then appeared -

Yeas  
Messrs

Baldwin Richardson

Radcliff

Nays

Mr Dowal - Kidout - Smith

Robison - Lyons - Samson

Boulton and Cartwright -

Mr Cartwright seconded by Mr Samson then  
moved that the rule do now pass and that  
it be entitled "An ordinance to increase the  
Term fee" - Ordered

The order of the day was then read for the third  
reading of the rule to establish a permanent me-  
thod of proceeding for the improvement of the Society

The rule was then read a third time

Mr Robison then moved seconded by Mr Smith  
that the rule do now pass and that it be



Entitled "An Ordinance to establish a permanent  
method of proceeding for the improvement of the  
Society" carried

Mr Baldwin seconded by Mr Robison then moved  
that Mr Lyons be added to the Committee to furnish  
the Hall of the Society in the place of Mr Chewett  
called to the Bench - carried

Mr Robison then moved seconded by Mr Lyons that  
the name of Mr Smith be added to the Committee  
to obtain the address of the late Benchmen to the  
Society in the place of Mr Chewett called to the  
Bench - Ordered

The order of the day was then read in the Committee  
of the whole on the rule to abolish the discussion of po-  
litical questions in the Society -

The Society then went into Committee on the rule  
The Committee having sat rose and Mr Samson Chairman  
reported progress and asked leave to sit again on the  
second night of meeting. the report read & then carried.  
The Benchmen having fined Messrs Samson Lyons and  
Radcliff in the sum of six pence -

Messrs Lyons and Radcliff appealed to the Society  
who confirmed the sentence -

The yeas and nays being called for there appeared -

Yeas -  
Messrs  
Robison, Samson, Richardson,  
Baldwin, Mr Dowal, Smith,  
Boulton and Cartwright  
Nays  
None

Mr Baldwin seconded by Mr Smith then moved for leave  
to bring in a rule on the fourth night of meeting to  
provide for the meeting of the Society during the absence of the  
Benchmen and Vice Benchmen - Ordered

Mr Baldwin seconded by Mr Smith that he have  
leave to bring in a rule on the second night of  
to regulate the funds of the Society - Ordered

Mr Smith seconded by Mr Cartwright then moved  
that the two questions on the order of the Term  
"Is the mode of trial by Jury in England preferable to  
that practised in North Britain" and "Is a -



"Monarchical Government like that of Great Britain  
more conducive to the liberty and happiness of a Nation  
than a republican form of Government like that of the  
United States" he postponed for the time <sup>next</sup> rights of  
meeting - ordered

Mr Baldwin then moved seconded by Mr Robison  
that the following question be received and put upon  
the order of the Term "I drive his waggon against  
"B's waggon which is driving on the right hand  
side of the road has B an action of trespass vi  
et clavis against A?" ordered

The Bench adjourned Counsel

for the question

Me per

Baldwin, Samson and Robison

against it

Smith, Cartwright and Radenhurst

On the Motion of Mr Richardson seconded by  
Mr Cartwright the Society adjourned until Sa-  
turday next at Six O'clock

17<sup>th</sup> Nov 1852

### The Society

met pursuant to adjournment

The Bench took the Chair

The Journals were read by the Prothonotary

The order of the day and then read for the appointment  
of a Prothonotary Treasurer and Advocate

Mr Richardson seconded by Mr Smith then moved  
that Mr Cartwright be appointed Prothonotary-Cum-  
Mr Cartwright seconded by Mr Baldwin then moved  
that Mr Lyons be appointed Treasurer-Cum-  
Mr Cartwright seconded by Mr Richardson then  
moved that Mr Baldwin be appointed Advocate  
Carried

The Ordinance entitled "an Ordinance To increase  
the Term Fee" was read from the Bench and de-  
- livered

The Ordinance entitled "and Ordinance To establish  
a permanent method of proceeding for the improvement of  
the Society" was read from the Bench and delivered



17<sup>th</sup> November 1821

Mr Baldwin seconded by Mr Robison then moved that the Prothonotary be directed to send a copy of the ordinance entitled "An Ordinance to increase the Term Fee" to each member of this Society not residing in York. Ordered -

The order of the day was then read for the first reading of the Rule to Establish the Heraldry of the Society.

The rule was then read a first time -

Mr Baldwin seconded by Mr Robison then moved that the rule to establish the Heraldry of the Society be read a second time on the next night of meeting. Ordered -

The order of the day was then read for the Report of the Committee to obtain the address of the late Benchers.

Mr Robison seconded by Mr Smith then moved that the time for receiving the report of the Committee for taking into consideration the speech of the late Benchers and laying a copy of the same before the Society be enlarged until the next night of meeting. Ordered -

Mr Cartwright then moved seconded by Mr Baldwin that the accounts of last Term be referred to a Committee of the whole on the next night of meeting. Ordered -

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

"Viz" C drives his waggon against B's waggon which is driving on the right hand side of the road. Was B an action of trespass vi et armis against A?"

The question was then argued -

Mr Robison seconded by Mr Smith then moved that the following question be received "Is the Right of Inheritance by Primogeniture a natural or a civil right?"

Ordered -

The Benchers then appointed Mr Robison to read a portion of Blackstone's Commentaries -

The Portion was then read -

On the Motion of Mr Samson seconded by Mr Baldwin the Society adjourned until Wednesday next at 6 o'clock.



21 Nov 1847

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 on the rule to abolish the discussion of Political questions

The Society then went into committee on the rule

The Committee having sat rose and Mr Samson Chairman reported pro & asked leave to sit again on the next night of meeting - The report was then received

Mr Baldwin seconded by Mr Smith then moved that the rule to regulate the friends of the Society be now read a first time - *Ordered* - The rule was then read a first time

Mr Baldwin seconded by Mr Smith then moved that the rule to regulate the friends of the Society be read a second time on the next night of meeting - *Ordered*

The order of the day was then read for the Committee of the whole on the accounts of last term

The Society went into Committee on the accounts

The Committee having sat rose and Mr Ricout Chairman reported the following resolution - That it be resolved that the accounts of last term be referred to a <sup>select</sup> Committee of Messrs Smith, Lyons and Baldwin

The report was then received

The order of the day was then read for the second reading of the rule to establish the Heraldry of the Society - The rule was then read a second time

The Society then went into Committee on the rule

The Committee having sat rose and Mr Smith Chairman reported pro & asked leave to sit again on the next night of meeting - The report was then received

Mr Samson then moved seconded by Mr Lyons that the following question be received - "If I have three sons - B, C and D and A divides his property among his sons, C afterwards dies intestate and without heirs of his own body is B his heir at Law? *Ordered*"

The Bearer adjourned Counsel.

For the question  
Messrs

Samson Lyons Smith McDowal

against it

Robeson Baldwin Richardson and Cartwright



78  
Michaelmas Term

21<sup>st</sup> Nov 1821

The Bench then fined the four Members Messrs Lyons  
Samson Smith and Cartwright in the sum of  
six pence each —

Mr Samson then moved seconded by Mr Robison that the  
following question be received "If A orders B his servant  
to drive his waggon to the next market town, who in  
going on the wrong side of the road drives against the  
waggon of C who is returning and breaks his wheels,  
will any and if any what action lie against A?"

The Bench then assigned Counsel

For the question  
Messrs Smith Cartwright and Lyons  
Against it

Samson Baldwin and Robison

On the Motion of Mr Smith seconded by Mr Cartwright  
the Society adjourned until Monday next at 6 o'clock

The Society met pursuant to adjournment 26<sup>th</sup> November 1821

The Bench took the Chair

The Journals were read by the Prothonotary

Mr Samson then moved seconded by Mr Robison  
that the following question be received "If a person in the  
Province of Upper Canada make use of words liable  
to be putable to the character of the Chief Justice and  
which words if applied to a Peer in England would be  
considered amount to "Scandalum Magnatum"  
would the person so speaking be punishable by  
the various acts of Parliament in such case made  
and provided? — Ordered —

The Bench assigned Counsel

For it

Messrs Cartwright Baldwin and Lyons  
Against it

Samson Smith and Ridout

Mr Samson then moved seconded by Mr Lyons  
that the following question be received "If A Buys Mer-  
chandise in a public market in England of  
B who had stole said Property from the original owner  
of such property recover it of A? — Ordered —

The Bench assigned Counsel

For it

Mr Cartwright

Against it

Ridout



Mr Samson then moved seconded by Mr Baldwin  
that the following question be received: "If A steals a  
horse and sells him to B and B afterwards to D  
and so on to H and the proper owner of the horse  
comes and demands his property of H does any and if  
any what sort of action lie against B by H and so  
forth through all those who had sold the horse  
Ordered - The Benchers assigned counsel -

For the question

Messrs Samson Lyons and Baldwin  
against it

Smith Robeson and Mr Dowal

On the Motion of Mr Smith seconded by Mr Lyons the Society  
adjourned until Saturday next at six o'clock.

1<sup>st</sup> December 1822

The Society met pursuant to adjournment

The Benchers took the Chair

The Journals were read by the Prothonotary  
The Select Committee on the accounts of Trinity Term  
by Mr Baldwin Chairman reported the following  
That your Committee having taken into their con-  
sideration the accounts of Trinity Term one thousand  
eight hundred and twenty one find that the receipts  
of the said Term have amounted to five pounds  
fourteen shillings and sixpence. That the disburse-  
ments have amounted to four pounds five shillings  
That there is now in the Treasury one pound nine  
shillings and sixpence And that Mr Thomas  
Radcliff is in arrears to the Treasury in the sum  
of three shillings and threepence. and that Mr Forace  
Radcliff is in arrears in the sum of one shilling and threepence  
And your Committee further beg leave to report That  
your Committee have found the expenditure of last  
Term to amount to fifteen shillings. And that there  
is now in the hands of the Benchers unapplied the  
sum of ten shillings -

The Report was then received and adopted -

Mr McDowal then moved seconded by Mr Baldwin  
that the following question be received "Is a Magistrate Jus-  
tifiable in taking a voluntary affidavit upon any  
extrajudicial matter - The Benchers assigned counsel

For it  
McCartwright  
as against it  
McDowal



December 1821

The order of the day was then read for the Committee of the whole on the rule to abolish the discussion of Political questions in the Society -

The Committee having sat rose and Mr Samson Chairman reported the rule as received -

The report was then received -

The yeas and nays being called for their appeared

Yeas  
Messrs Robinson Mr Dowal & Cartwright

Nays  
Messrs Smith and Baldwin

It was decided in the affirmative by the vote of the Bench -

Mr Baldwin then moved seconded by Mr Samson that the rule be recommitted on the next night of Meeting to which Mr Robinson seconded by Mr Cartwright moved in amendment that the rule be proposed and read a third time on the next night of Meeting Ordered - The yeas and nays being called for their appeared -

Yeas -  
Messrs Cartwright Robinson Mr Dowal & Richardson

Nays  
Messrs Smith Samson and Baldwin

The order of the day was then read for the second reading of the rule to regulate the funds of the Society

The rule was then read a second time -

The Society then went into Committee on the rule

The Committee having sat rose and Mr Richardson Chairman reported pro & cons and asked leave to bring on the next night of Meeting - The Report was then received

The order of the day being dispensed with the order of the Term was then read for the arguing the question "Is the right of Intestate by Primogeniture a natural or a civil right"

Mr Robinson moved seconded by Mr Richardson that it be postponed until the third night of Meeting. Ordered

Mr Dowal seconded by Mr Samson then moved that the third question on the order of the Term be deferred until the next night of Meeting - Ordered

The order of the Term was then read for the arguing of the question "If a violator of his servant's freedom his weapon to the next market town, who on going on the wrong side of the road drives against the weapon of C. who is returning and breaks his wheels can any and if any what action



by against it?

The Question was then discussed —

The Advocate then moved in his place that the name of Andrew Norton Buell on the Black side of the Roll be marked called — Ordered

The Advocate then moved in his place that the name of Richard Phillips Notham be entered on Black side of the Roll as of this present Term — Ordered

Mr Cartwright seconded by Mr Baldwin then moved that the following question be received "Can the carriage of a standing at the livery stable be determined for rent by C the lessee of the premises" — Ordered

The Benchers then assigned Counsel —  
for the question

Mr Cartwright  
against it  
Mr McDowal

Mr Cartwright seconded by Mr Baldwin then moved that the following question be received "Does an action lie for seducing a servant from his master who had paid the penalty stipulated by his articles for leaving him" — Ordered

The Benchers assigned then Counsel —

for the question

Mr Robison  
against it

Mr Cartwright

Mr Baldwin seconded by Mr McDowal then moved that the following question be received "A devise of a freehold estate of 300 acres of land leaving two daughters "He devises to B 100 acres and to C 100 acres in fee. "Residue in fee to his widow E. His will without registering the will conveys the remainder to D. Can the daughters of B and C maintain Ejectment against D after the death of E the widow of A?" — Ordered

The Benchers then assigned counsel —

for the question

Baldwin and Smith  
against it

Damson and Robison

On the Motion of Mr Cartwright seconded by Mr Baldwin it was then Resolved that the sum of one pound be granted to the Benchers to defray the expenses of this Term and that he have leave to draw upon the Treasury for the same — Ordered

On the Motion of Mr Smith seconded by Mr Baldwin the Society adjourned until Thursday next at 6 o'clock —



6<sup>th</sup> December 1821

The Society met pursuant to adjournment.

The Bench took the chair

The Journals were read by the Prothonotary

The order of the day was then read for the third reading of the rule to abolish the discussion of Political questions in the Society -

Mr Baldwin then moved seconded by Mr Samson that the rule to abolish the discussion of Political questions be read a third time on Sunday three weeks - Ordered  
The Yeas and Nays being called for their appeared

Yeas  
Samson Baldwin Smith and McDowal  
Nays -

Robison and Cartwright

The order of the day was then read for the Committee of the whole to regulate the funds of the Society

The Society then went into Committee on the rule

The Committee having sat rose and Mr McDowal chairman reported proposed and asked leave to sit again on the first day of Easter Term next -

The Report was then received -

The Society then went into committee on the rule to establish the heraldry of the Society

The Committee having sat rose and Mr McDowal Chairman reported the rule as adopted -

The Report was then received -

Mr Baldwin then moved seconded by Mr Samson that the rule to establish the Heraldry of the Society be engrossed and read a third time on the next night of Meeting - Ordered

Mr Baldwin seconded by Mr Samson then moved that the rule to provide for the meeting of the Society in the absence of the Bench and vice Bench be read a first time on the first day of February next - Ordered

Mr Robison then moved seconded by Mr Smith that the time for receiving the report of the Committee to obtain the address of the late Bench be enlarged until the next night of Meeting - Ordered

Mr Smith seconded by Mr Robison then moved that the following question be received: "If A being indebted to B in a sum certain for the security of the Payment thereof, assigns his Interest in a mortgage over to B. does such assignment release A from an action to be brought by B?" Ordered

The Bench assigned Counsel -

For the question

Baldwin and Samson

against it

Smith and Robison



8 December 1821

Mr Smith seconded by Mr Robison then moved that the question proposed by him this Evening be put the third on the order of the Term - Ordered -

On the Motion of Mr Baldwin seconded by Mr Robison it was then Resolved that the Prothonotary be directed to erase the word called from the following names on the black side of the Roll that is to say George & Jarvis Francis & Robinson and William J. Coopers and also the word expired from the fifteenth page of the ordinance Book - ? -

Mr Richardson seconded by Mr Robison then moved that the following question be received: If an estate be limited to A for life and then to the eldest son of B in tail; and A dies before B hath a son will the remainder be void? Ordered -

The Bench then assigned counsel

For the question  
Mr Richardson  
against it  
Mr Dowal

The order of the day being gone through the order of the Term was then read for the discussion of the question. "If A has three sons B, C and D and A dies and divides his property amongst his sons C afterwards disintestate and without heirs of his own body is B his heir at Law? The Question was then discussed

The following question was then discussed "If a person in the Province of Upper Canada make use of words disrespectful to the Character of the Chief Justice and which words if applied to a Peer in England would be considered to amount to *Scandalum Magnatum*, would the person so speaking be punishable by the various acts of Parliament in such case made & provided?"

The following question was then discussed "If A steals a horse and sells him to B and B afterwards to D and so on to H and the proper owner of the horse comes and demands his property of H does any and if any what sort of action lie against H by H and so forth through all those who had sold the said horse?"

On the Motion of Mr Baldwin seconded by Mr Robison it was then resolved that every question which is received by this Society is supposed to relate to Upper Canada unless otherwise particularly specified. The Bench then assigned Mr Robison to read a portion of Blackstone's Commentaries.

The Portion was then read

On the Motion of Mr Hanson seconded by Mr Robison the Society adjourned until Wednesday next at 6 o'clock -



12<sup>th</sup> December 1891

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 third reading of the rule to establish the Heraldry of the Society.

Mr Baldwin seconded by Mr Robison then moved that the Society do now resolve itself into a Committee of the whole to adopt a motto for this Society - Ordered -

The Society then went into Committee -

The Committee having sat some and Mr Cartwright Chairman reported the following motto as adopted: "Suspension Melioris Aevi" The report was then received -

Mr Baldwin then moved seconded by Mr Robison that the blank in the first clause of the rule to establish the Heraldry of the Society be filled up with these words: "Suspension Melioris Aevi" according to the report of the Committee of the whole on that subject - Ordered -

Mr McDowall then moved seconded by Mr Richardson that the rule to establish the Heraldry of the Society be read a third time on Sunday three weeks - Negatived -

Mr Radcliff then moved that the rule to establish the Heraldry be recommitted - by Richardson - Negatived -

The rule was then read a third time -

Mr Baldwin then moved seconded by Mr Robison that the rule to establish the Heraldry of the Society do now pass and that it be entitled "An Ordinance to establish the ceremonial Bearings of this Society and to regulate the relative rank of its several Officers and Members Ordered - It was then resolved that after the third reading of any rule no amendments whatever can be made to it - The Yeas and Nays being called for then appeared

Yeas

Yeas Baldwin Lyons Robison Ridout  
Richardson and Cartwright  
Nays

Smith Radcliff and McDowall

The Committee to obtain the address of the late Benchers to the Society by Mr Robison Chairman reported that they had obtained a copy of the same - The report was then received

Mr Baldwin then moved seconded by Mr Richardson that the speech of the late Benchers brought up by the select Committee be ordered to lie on the table Ordered -

The Committee to furnish the Hall of the Society by Mr Baldwin Chairman reported the following - Your Committee have obtained a Chair for the Benchers Vice Benchers and Prothonotary and that your Com-



14<sup>th</sup> December 1872

will be paid for the same the sum of one pound ten shillings - The report was then resumed - On the motion of Mr Baldwin seconded by Mr Dowal it was Resolved that the Committee to furnish the Hall of the Society have leave to draw upon the Treasury for the sum of fourteen shillings?

Mr Dowal seconded by Mr Baldwin moved for leave to bring in a rule to add some new statutes to the office of the Bench of this Society on the second night of meeting. Ordered - Mr Baldwin then moved seconded by Mr Robinson that the names of the books of Record ought not to be written on both sides? (Negative)

Mr Baldwin then moved seconded by Mr Richardson that he have leave to bring in a rule to provide for the more speedy meeting of the Society after an adjournment for default of a Quorum and that the same be now read a first time. Ordered. The rule was then read a first time.

Mr Baldwin then moved seconded by Mr Richardson that the rule to provide for the more speedy meeting of the Society after an adjournment for default of a Quorum be made second time tomorrow? Ordered?

Mr Baldwin then moved seconded by Mr Robinson that the following question be received and put upon the order of the day next "I having obtained a judgment in the District Court against B for ten pounds due out a *fi. fa.* against the goods and chattels of the Defendant which being returned nulla bona he served out a *fi. fa.* against the lands and tenements returnable in twelve months which having remained a year in the Sheriff's hands was also returned nulla bona" after which having first filed the affidavit sworn in the like case in the Superior Courts of record it issued out a *ca. sa.* against B upon which B was arrested and imprisoned for six months after which he was released. B now brings the writ and takes imprisonment against the original Plaintiff, C his Attorney, D the Clerk of the Court who issued the *ca. sa.* and E the Judge of the said Court will the action lie?

The Benchers signed Counsel  
For the question  
Mr Baldwin  
against it

On Motion of Mr Radcliff seconded by Mr Lyons  
the Society adjourned until Monday at 6 o'clock?



17<sup>th</sup> December 1821

The Society met pursuant to adjournment.

The Benchers took the Chair.

The Journals were read by the Prothonotary.

The Ordinances entitled "An Ordinance for regulating the annual Meetings of this Society and to regulate the relative rank of its several Officers and Members" was read from the Bench and delivered.

The order of the day was then read for the second reading of the rule to provide for the more speedy meeting of the Society after adjournment for default of a quorum.

The Rule was then read a second time.

Mr Baldwin then moved that the Society do on to-morrow go into Committee on the Rule. Ordered.

Mr Radcliffe then moved seconded by Mr Richardson that the Report of the Select Committee to obtain the Speech of the late Benchers to this Society be now referred to the Committee of the whole? Ordered.

The Society then went into Committee on the Report. The Committee having sat rose, and Mr Smith Chairman Reported the following Resolution:— "Resolved that the following is a true copy of the Speech of the late Benchers to this Society:—

Gentlemen

In compliance with the request of the Society made at the last meeting, I propose at this time relating to you the objects for which this Society has been instituted. As these objects depend for their continuation entirely upon the general <sup>understanding</sup> ~~undertaking~~ of the Society itself, and as no explicit development of them has yet been made, I can have no other guide, I will say this part of my duty than my own conception of what that general understanding is. I hope therefore you will excuse me in case of error or misconception, and also that you will indulge me in making some observations as I proceed. — The Students of the Law

and indeed those of the other liberal professions in this country lie under many and great inconveniences; and the want of those helps which the Universities and other Learned Institutions of the United Kingdom afford, with respect to our selves contributes not a little to increase the difficulties of a profession otherwise sufficiently arduous.

Immediately upon being taken from school the intended disciple of Law is placed at the desk of a Gentleman, who has to support the double responsibility of a Barrister and Attorney and who though abundantly desirous of improving his pupil in his Knowledge must still find it impossible to bestow his care and attention to him so far as to enter in that scientific method of



Instruction without which complete success can hardly be  
 expected - Then the Student enters almost immediately into  
 the labyrinths of his Profession with little or no preparatory  
 Information; points of law are continually before him  
 which to understand would require the experience and  
 Knowledge of the oldest Practitioners - The enquiring mind  
 cannot refrain from entering into researches concerning them  
 But it is obvious that before the understanding is equal  
 to such a task it must be imbued with some know-  
 ledge of the general principles and theory of the Law, with-  
 out this our Conclusions will be vague and imperfect, and  
 make but a feeble and transient impression on the memory  
 Besides this the Student who is daily occupied on the  
 practical duties of his Profession when his leisure hour  
 for Study arrives carries with him into his closet or  
 mind encumbered with facts, cases, deductions and con-  
 -clusions founded upon principles upon which probably  
 he is altogether ignorant, he wishes to retain them  
 because he is aware that upon them he depends for the  
 facility of reasoning - Thus he sits down to study the theory  
 of the Law in the order which he has laid down for himself  
 and what is to be expected but that his mind ranging over  
 so extensive a field, diverted from the Course, which  
 Nature and Philosophy point out, is filled with an  
 incoherent mass of ideas involved in confusion  
 and easily effaced. How apt is he to contemplate his  
 ineffectual labours with a desponding heart and  
 despair of Eminence - Nor is it in the solitary Cell  
 with no other companions than his book and his lamp  
 that he can proceed with ease or success. How much  
 does he require even in the pursuit of the most simple and  
 abstract notions upon law the assistance of some learned  
 and experienced friend to remove the obstacles and clear up  
 the doubts which assail him at every step; and to lead him  
 to that eminence from which he can see his way and direct  
 him and exhort him alone "Deale per incertam lunam  
 "Sub luce maligna Est iter in Sylvis"  
 But gentlemen it is not in the pursuit of Judicial  
 Knowledge only that the Student finds himself at a loss:  
 he is not to be a mere attorney he is to wear the Gown  
 he is to appear before the bar of our tribunals, he is to  
 address the Juries of his Country, he will have to defend the  
 lives and property of his fellow Subjects by other means  
 than the technical formalities of pleading - in short he is to  
 become an orator of course - it is needless therefore to  
 insist on the importance of eloquence considered in



17<sup>th</sup> December 1821

the most trivial point of view, it is a shining and ornamented part of the Lawyer's acquirements and affords ample scope for the exercise of the most transcendent talents. But how useful also is the art of persuasion in vindicating the cause of the injured and oppressed, in protecting the rights, liberties and franchises of our fellow subjects, in bringing to light the hidden machinations of the fraudulent and exposing the perpetrators to the vengeance of the law and the just indignation of the world. For these are most frequently the subjects of forensic eloquence. How then and where within the limits of this province is this admirable talent to be acquired. Alas Gentlemen the deficiency in this respect is greater than in that to which I formerly alluded, there have been some who true possessors of such an Eurygenius as to have risen to eminence and despite of all difficulties and without those helps commonly deemed necessary, but such persons have been few very few indeed and this is not to be doubted but that they would have risen still higher had they been possessed of those advantages.

Thus Gentlemen have the Students of the Law been circumstanced since the inception of the Profession in this Province and not until the present period have any exertions been made (at least any attended with success) to place them in a better situation, we can at length congratulate ourselves however that something has been done. The Students have organized themselves into a society the general object and intention of which I understand to be the promoting facilitating and encouraging amongst them the pursuit of the Profession and at all occasions shall offer and their means permit the supplying those deficiencies and remedying those disadvantages under which they at present labour. It is true these objects are great and extensive and many of them for the present entirely beyond our reach, but I have merely mentioned them as the general view and intention of the institution for although our means are at present circumscribed and our exertions consequently confined, yet ought we to keep those things in expectation that when favourable circumstances occur we may have an opportunity of advancement.



It is my intention on this occasion to present you, as well as I am able, the same in respect to these objects as is now attainable, but before I proceed I would wish to state the one observation and it is that the institution as it now stands has taken the form of a debating society and that for my own part I do not wish it to be considered entirely as such, Debating societies have in general no other bond of union than amusement and are composed of persons of various descriptions and professions often strangers to each other, but the members of this society have most assuredly a common interest to support, they are attached to a particular profession the most honorable with nature and notwithstanding the sneers of the ignorant the most useful to society, they have therefore a reputation to acquire and maintain in many respects particular to themselves, they have the same objects in view, the same means at aiming at them and their interest in these respects should therefore be identified.

And now with respect to the promoting and facilitating our professional studies (being those objects which I then had in present to others in reach) and the degree in which they are attainable I think not without can be entertained, but that we can do much in these particulars, not indeed by proving that regular and systematic mode of prosecution the means of which on a former occasion I spoke of and deplored but by making the best of our present situation - and beginning within the scope of our proceedings the best and most practical methods that we can accomplish, of increasing our knowledge and rendering the pursuit fit, easy and agreeable.

This society from its nature as a calculated to inspire emulation amongst its members - and this emulation will be a constant incentive to close and attentive reading that reading will be directed to particular points which will be considered and well understood before we proceed further - at its meetings the members will have frequent occasion to call to mind portions of their former reading - and this will exercise and improve their memories and prevent many valuable acquisitions from being impaired or lost. Nothing in my opinion tends more to the palliation and cure of stupidity than the impressions received by reading than conversation, as it frequently starts a train of ideas and knowledge long forgotten and makes the memory more alert in drawing forth its hidden stores. Altho' oral instruction does not afford time or opportunity for weighing and reconsidering



17<sup>th</sup> December 1824

its Subjects as in reading yet it excites the attention and makes a lively impression on the mind.

In this Society the members will have constant opportunities of improving their oratorical powers, rise and habit in these cases are great advantages and in addition to the pleasing collusion of talent and ability which is to be expected from this source there will also be found an important and ready means of instruction, in observing the perfections and imperfections of each other, applying the rules of Elocution to their proper objects and improving accordingly. Upon the whole I am persuaded that if wisely conducted, this institution will have the desired effect of promoting, facilitating and encouraging our professional studies, and rendering them infinitely more agreeable and alluring than we have found them hitherto. I cannot upon this occasion forbear recommending to your consideration the propriety of establishing a more comprehensive and complete mode of proceeding than we have yet adopted and I will take the liberty of stating to you my opinion of what it ought to be.

It appears to me that there are three Methods each of them excellent in its kind and well adapted for our purpose - 1<sup>st</sup> That which is analogous to the proceedings in Parliament when each Member speaks to the question without being confined to any particular side, this is the mode in most debating Societies, and is exactly what is laid down in some of our rules - and will answer well for many purposes more especially for the discussion of general theses.

2<sup>d</sup> By proceeding after the manner of the Court of King's Bench the questions adopted to this mode are numerous viz Seminars Pleas in abatement, points reserved and special verdicts. The Bench will sit as Judge and Counsel will be assigned or chosen for both sides. 3<sup>d</sup> By proceeding after the manner of the Courts of Assize and Nisi prius the Bench sitting as Judge and the Society divided into Counsel Jury Witnesses and 4<sup>th</sup> By the reading of Lectures from the Bench out of well chosen Books the Bench enquiring & explaining obscure passages and satisfying the inquiries of the members if any enquiry there be; in such manner as the Law shall require.

These different Modes should by no means be confounded with each other, for the rules adopted to the Government of the Society in one mode will be found utterly inapplicable in another, I certainly think that keeping them apart will greatly conduce to preserve



17<sup>th</sup> December 1891

regularity and promote scientific descriptions?

I made some observations on a former occasion respecting rules and regulations, some of them have already been considered, and it would be unnecessary and perhaps disagreeable to repeat them. It would surely be superfluous in me now, to demand any farther on the necessity of good order and gravity, before the students of a profession the necessity of which is rationality and whose very end is to preserve peace and good order amongst mankind -

Resolved that the principles laid down in the speech of the Late Benchers to this Society are those upon which this Society was originally founded? -

The Report was then received unanimously -  
Mr Baldwin then moved seconded by Mr Hobson that the Prothonotary be directed to complete the 26<sup>th</sup> 27<sup>th</sup> and 28<sup>th</sup> Pages of the Ordinance Book - Ordered -  
On the Motion of Mr Cartwright seconded by Mr Baldwin the Society adjourned until Monday next at 6 o'clock -

24<sup>th</sup> December 1891

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 committee of the whole on the rule to provide for the meeting of the Society after an adjournment for default of a quorum.

The Society went into Committee on the rule the committee having sat rose and Mr Smith the Chairman reported the rule as adopted - The report was then received -

Mr Baldwin then moved seconded by Mr Cartwright that the rule be engrossed and read a third time on the next night of meeting ordered -

Mr McDowal seconded by Mr Baldwin then moved that he leave leave to bring in a rule to add some new duties to the office of the Benchers and that the same be now read a first time - Ordered -

The rule was then read a first time

Mr McDowal then moved seconded by Mr Baldwin that the rule to add some new duties to the office of the Benchers be read a second time tomorrow Ordered -

Mr Hobson then moved seconded by Mr Baldwin that the Society do now go into Committee to take into consideration the propriety of sending an apology to Mr Boulton for the antecedent conduct of a certain member of this Society on the last night of meeting



and to take into consideration the improper conduct of the  
Said Member. Ordered—

The Society then went into committee on the same.  
The Committee having sat rose and reported the following  
apology to Mr Boulton and asked leave to sit again on  
the next night of Meeting.

To Henry John Boulton Esquire Solicitor General

Sir— We the advocate Society duly sensible of the  
favourable disposition manifested by you in allowing  
this Society to hold its meetings in your office humbly  
beg that you will not consider, the indecent and  
improper conduct of a certain member of this Society  
on one of its nights of Meeting (which conduct must  
undoubtedly have come under your considera-  
tion) as having been countenanced at all by any  
individual member of this Society but that  
on the contrary the Society and every  
member of it, consider the conduct of  
that Member as having been highly in-  
decent and improper and further  
that the Society pledge themselves that  
nothing of the kind shall ever again  
happen and that they will take the said  
Members conduct into consideration and  
inflict on him an adequate punishment.  
They therefore humbly hope that you  
will not consider what has past on any  
unfavourable point of view further than  
regards the conduct of the said Mem-  
ber, but that you will allow the  
Society as usual to hold its  
meetings in your office.

And the Society remain with  
all respect—

your Obedient Servant



The report was then received -

Mr Robison seconded by Mr Baldwin then moved that the address adopted by the Committee be engrossed and presented to the Bench for his signature on the next night of meeting -

Ordered

The Committee to furnish the Hall of the Society by Mr Baldwin Chairman made the following report - That your Committee have obtained two large bookstands and two small ones, two buffets and two buffet stands and an ink bottle a glass for the Vice Bench a Desk for the Prothonotary a good General Bannan for the Society and that your Committee have borrowed on the credit of the Society to pay for the same the sum of £ 6.

The Report was then received -

On the Motion of Mr Baldwin seconded by Mr Cartwright it was then Resolved that this Society is indebted to Mr John W Samson in the sum of six pounds -

On Motion of Mr Baldwin seconded by Mr Cartwright the Society adjourned until Wednesday at 10 o'clock -

26<sup>th</sup> December 1821

The Society met pursuant to adjournment

The Bench took the chair

The Journals were read by the Prothonotary

The order of the day was then read for the third reading of the rule to provide for the more speedy meeting of the Society after an adjournment for default of a quorum

The rule was then read a third time -

Mr Baldwin then moved seconded by Mr Lyons that the rule do now pass and that it be entitled: An Ordinance to provide for the more speedy meeting of the Society after an adjournment for default of a quorum

The order of the day was then read for the second reading of the rule to add some new duties to the office of the Bench -

The Society went into Committee on the rule

The Committee having sat rose, and Mr Baldwin Chairman reported for the Committee on the rule on the next night of meeting

Mr Richardson seconded by Mr Baldwin then moved that the report be received on Sunday week. negatived

The yeas and nays being called for there appeared

Yeas - Baldwin and Richardson -

Nays - Robison - Lyons, Samson Radcliff and Cartwright



The Report was then received.

The order of the day was then read for the Committee of the whole to take him to consideration the conduct of a certain member on the last night of meeting.

The Society then went into Committee.

The Committee having sat rose and Mr Cartwright the Chairman reported the following resolution.

Resolved, with reference to the late unpleasant circumstances which lately required an apology from this Society to the Solicitor General who so handsomely accommodated it with this apartment. That the Society satisfied that that circumstance originating in accident is such that the like cannot it is to be hoped again happen therefore demand unnecessary to take further notice thereof.

The report was then received.

Mr Robison seconded by Mr Baldwin that Messrs Samson, Cartwright and Robison be a Committee to recite upon the Solicitor General with the address adopted by the Society on its last night's meeting. Ordered. The Benchman having paid Mr Baldwin in the sum of one shilling and three pence. It was Resolved that an appeal did by to the Society.

The fine of the Benchman was then remitted.

On the motion of Mr Baldwin seconded by Mr Samson the Society then adjourned until Saturday the fifth of January 1822 at 6 o'clock.

5<sup>th</sup> January 1822

The Society met pursuant to adjournment.

The Benchman took the Chair.

The Journals were read by the prothonotary.

The ordinance Entitled "An Ordinance to Provide for the more speedy meeting of the Society after an adjournment for absence of the Benchman" was read from the Bench and declared.

The Committee brought upon Mr Boulton with the apology of this Society by Mr Cartwright Chairman reported that they had done so. The Report was then received.

The order of the day was then read for the Committee of the whole on the rule to add some new statutes to the Office of the Benchman of this Society.

The Society then went into Committee.

The Committee having sat rose and Mr Baldwin Chairman reported the following Resolution. Resolved that the Society do and will expect every new Benchman to deliver an appropriate address to this Society after his election to the Chair.

The Report was then received.



Michaelmas Term

24  
5<sup>th</sup> January 1822

The yeass and nays being called for then appeared

Messrs Baldwin McDowal and Cartwright  
New York

Smith and Ricketts

Smith and Redout  
The Committee to furnish the Hall of the Society by Mr  
Baldrain Chairman reported the following that  
your Committee have now in their hands the sum  
of five shillings - The report was then received -

Mr Baldwin seconded by Mr Smith then moved that the Committee furnish the Hall of the Society, pay the un-  
-appropriated money in their hands into the Treasury. Ordered

[illegible]

On the Motion of Mr Smith seconded by Mr Baldwin  
It was Resolved unanimously that there is no law  
or ordinance of this Society which dispenses with the  
necessity of a notice being given of every motion to be  
made in this Society according to the known practice  
of the House of Commons.

of the House of Commons -  
On the Motion of Mr. Baldwin seconded by Mr. Cartwright  
it was Resolved that the Charters of this Society and in  
the possession and safe Keeping of the Prothonotary for  
the time being and that he is accountable for the same  
except such as are in the special possession of some  
other particular officer or officers of the Society -  
Mr. Medowal gave notice that he would move  
for leave to bring in a bill to establish that part.



5<sup>th</sup> January 1822.

of the late Benchers Speech relating to the addressing  
of Juries and examining of witnesses when we are de-  
bating upon legal questions into an ordinance.  
On Motion of Mr Carter in the afternoon recorded by Mr Baldwin  
the Society adjourned.



