

Minute Book ~~1821~~

Minute Book

1821



Juvenile Advocate Society  
1821

At a meeting of the Students at Law in York held on the Evening of Wednesday the ~~fourteenth~~ day of February in the year of our Lord one thousand eight hundred and twenty one

Mr Horace Ridout in the Chair it was Resolved  
1<sup>st</sup> That the Students at Law Present upon this occasion do form themselves into a Society to be called the Juvenile Advocate Society ~~~~

2<sup>nd</sup> That one of the Members be at this meeting chosen to preside in the Society to be called by the title of Benchet -

3<sup>rd</sup> That a Vice Benchet be also chosen to preside in case of the absence of the Benchet -

4<sup>th</sup> That a New Benchet and Vice Benchet be elected on the 1<sup>st</sup> day of each succeeding Term ~~~~

5<sup>th</sup> That a Secretary and Treasurer be also at this meeting chosen and that one person perform the duty of both



offices and be elected on the first day of each succeeding Term —

6<sup>th</sup> That no person who is not admitted as a Student at Law upon the Books of the Law Society shall on any pretence whatsoever be admitted as a member of this Society and that any person being admitted on the Books of the Law Society shall produce upon application to be admitted a member a certificate under the hand of the person who shall have the custody of the said Books that such person so applying has been duly admitted as a Student of the Law upon the same Books

7<sup>th</sup> That any person being a Student of the Law Society of Upper Canada duly admitted on the Books of the said Society shall be admitted a member of the Juvenile Advocate Society as if now present provided he subscribe and consent to the rules and resolutions at this meeting adopted at or before the next meeting —



Proviso  
Hallowell

- 8<sup>th</sup> That the Society or a majority of the Society shall have power to make such other rules and resolutions as are or may hereafter be expedient ~~provided~~ <sup>provided</sup> that such rules or resolutions be not contrary to the resolutions and provisions at this meeting adopted.
- 9<sup>th</sup> ~~That~~ <sup>That</sup> none of the resolutions or provisions at this meeting ~~proposed~~ <sup>passed</sup> shall be ~~altered~~ <sup>amended</sup> or repealed without the unanimous vote of the Society.
- 10<sup>th</sup> That Mr Daniel Sullivan be ~~Recorder~~ <sup>B. Recorder</sup>.
- 11<sup>th</sup> That Mr Robert Baldwin be Secretary and Treasurer.
- 12<sup>th</sup> That the elections had at this meeting shall be conditional at the approbation of the Society or a majority of the Society on the next day of meeting.

The Society then adjourned until Monday Evening next at seven o'clock.

Daniel Sullivan  
Robert Baldwin B.  
Hiram Bidout  
David Smith



Richard C. Robeson V. M. -

Thomas Radcliffe

John S. Cartwright

~~Alfred~~

J. M. Larrison

Lyon

Hanson of Kingston







February Term - 1821 ~~~~

Monday February 19<sup>th</sup> 1821

at 7 o'clock the Bench being full

- 13<sup>th</sup> Resolved unanimously that the proviso of the eighth resolution and the whole of the ninth resolution of this Term be expunged ~~~~
- 14<sup>th</sup> That the election of Mr Daniel Sullivan as Benchman be confirmed ~~~~
- 15<sup>th</sup> That the election of Mr Robert Baldwin as Secretary and Treasurer be confirmed ~~~~
- 16<sup>th</sup> That Mr Richard Robison be elected Vice Benchman ~~~~
- 17<sup>th</sup> That every Member do take his seat according to his standing on the books of the Law Society ~~~~
- 18<sup>th</sup> That a list of the Students of the Law Society be laid before this Society at the next day of meeting ~~~~



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19<sup>th</sup> That no strangers be admitted until  
after the first day of Trinity Term  
next —

20<sup>th</sup> That the provisions contained in the  
7<sup>th</sup> Resolution of this Term be extended  
to Monday the 26<sup>th</sup> day of this present month

21<sup>st</sup> That one shilling and three pence be  
now subscribed by each member of this  
Society in order to create a fund to defray  
the expences of the Society —

The Society then adjourned  
until Saturday evening  
next at 7 o'clock

Saturday Evening, 24<sup>th</sup> February 1821

The Society met pursuant to adjournment —

Hulliman D.C.C. The Benchers being seated  
Mr Ridout moved that the minutes of the  
Last day be now read — ordered —



8. *Bellevue Term 1891*  
The Secretary having read the minutes of  
the last day it was

22 Resolved that four members with the  
Bench do form a Quorum -

23 That on the motion of any member  
the name of any student applying to be  
admitted as a member of the Society be entered  
on the Minutes Book and further resolved that  
on the next meet<sup>ing</sup> after such entry the Society  
do go into Committee and ballot for his  
admission and that the committee do on  
their rising report the Candidate elected or  
rejected as the Case may be or report pro & con  
and ask leave to sit again and further &c  
that if such Candidate be reported elected by  
the Committee (and after such report being  
received by the Society) his name be engrossed  
on the Roll Book -

24 That the Bench do on the next day  
of meeting relate the object of this Society  
and that the same be entered on the Minutes  
Book -



25<sup>th</sup> That any member or members upon being called to order from the Bench be bound to sit down provided always that such member or members or any other member or members be at full liberty to appeal from the decision of the Bench to that of the Society —

26<sup>th</sup> That the Rules of the Court of King's Bench in as far as they relate to the Discussion of legal questions have effect in this Society and that on Questions which are not on Law the Benchers shall have full power and authority to decide and regulate the manner of proceeding in such questions provided that the Benchers decision do not interfere in any way with the resolutions of this Society already resolved upon or hereafter to be resolved upon —

27<sup>th</sup> That the Secretary do furnish the Society with a true copy of the Rules of the Court of King's



Pench as they now exist at or before the  
twenty first day of March next

28 That the Secretary be directed to keep  
a Roll Book on which to be engrossed  
the names of the Members of this Society  
The date of their entry as such and also  
the date of their entry on the Books of  
the Law Society and also that he be  
directed to keep a Rule Book in which  
to be engrossed the rules of the Society -

29 That all questions to be submitted for  
the discussion of the Society be laid before  
the Pencher in the form of a Petition that  
the same may be discussed and that  
in case there are several questions to  
submitted the Pencher shall have a  
discretionary power of appointing which  
two or of the same questions shall be  
discussed and when so that the Time



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does not exceed the time of his Presidency)  
and that the same petition state the case  
fully and that in such petition all  
duplication of Questions be avoided —

90 That no Member be suffered to speake  
twice to the same question without  
leave of the Society except to questions  
of order —

Mr John Hunter Samson was admitted  
a member of the Society this Evening —

The Society then adjourned until Friday  
evening next at 7 o'clock —

Friday 2 March 1821

Society met pursuant to adjournment  
and the Bench being filled

Mr Samson moved That Mr

John Lyons be now entered on the  
Members Books of the Society —

The name of John Lyons is accordingly



May Term 1821  
12. now entered on the Minute Book  
Mr Baldwin moved that the name  
of Marcus F. Whitehead be entered  
on the Minute Book of the Society  
The name of Marcus F. Whitehead  
is accordingly entered on the Minute  
Book.

The Society then adjourned for ten  
minutes to meet again at  
Mr Baldwin's Office.

— DeLalioan Bench  
The Society having met pursuant  
to adjournment and the Bench  
was full

The Society went into committee to  
ballot for the admission of Mr  
John Lyons and Mr Whitehead

The Committee on their rising reported.

The Candidates are elected unanimously.

viz John Lyons and Marcus F. Whitehead

Mr Robinson recorded by Mr Baldwin  
moved that the name of Mr James Hammon



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be entered on the Minute Book - Carried -

Mr Baldwin read before the Society a list of  
~~the members~~<sup>the students</sup> of the Law Society of Upper  
Canada -

The list of the students were then read by  
the Benchers -

Mr Chewett moved secondly Mr. Hanson  
that the thanks of the Society be given to the  
Secretary for the correct manner in which he drew  
up the list of the students at Law Carried -

38 It was then resolved That upon every adjournment  
the Benchers do subscribe his name to the resolutions  
which may have been adopted by the Society at  
each meeting -

32 That Mr Cartwright be appointed Deputy  
Secretary to this Society -

33 That the Deputy Secretary be elected at the same  
time with the Secretary in future -

34 That whosoever discuss legal questions on points  
of law in this Society be confined strictly to  
the practice of the Court of King's Bench in as  
far as regards the discussion of such questions  
That is to say that the petitioner or proposer of  
each question be allowed first to argue the same



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fully and cite authorities if any he hath for such  
his arguments his opponent or opponents be  
then permitted to reply with the above  
privileges that then he or they who commenced  
shall reply and that the said parties be heard  
no more on the subject unless called upon by  
the Bench or Society -

35 That all persons proposed and admitted on  
the Books of the Society after this date  
do pay for each admission the sum of  
five shillings for the Benefit of the  
Society

36 That no application of any person  
having been once rejected be received within  
two Terms after such rejection -

37 That every member of the Society do pay  
into the Treasury on the first day of every  
Term the sum of two shillings and six  
pence

38 That the List of the Students at Law laid  
before the Society this Evening by the Secretary  
be entered on one side of the Roll Book -



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39 That the Society or a majority of the Society have the power of expelling any individual member or members provided always that such majority consist of at least three fourths of the Society -

The Bench then proceeded to deliver from the Bench his Idea of the object for which the Society was established pursuant to the twenty fourth resolution of this Term

40 It was then resolved that the Bench do on the next day of meeting again relate the object of the Society and that it be then entered on the Minute Book -

Mr Baldwin then proposed a resolution to regulate the mode of proceeding in expelling any member of the Society pursuant to the thirty ninth resolution of this Society but objections having been made to some parts of it he said he hoped Gentlemen would remember that he intended to bring in forward again on the next day of meeting



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and that he gave this notice in order that  
Gentlemen might be prepared he then  
asked leave to withdraw it which was  
granted -

The Society then adjourned until Tuesday  
evening at half past six o'clock -

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Tuesday 5<sup>th</sup> March 1821

The Society met pursuant to adjournment  
and the Order being full

The Society then resolved itself into a  
Committee of the whole to ballot for  
the admission of Mr James W. Lawson  
And the Committee having risen the  
Chairman reported the Candidate elected  
unanimously -

The thanks of the Society were then  
voted to Mr James E. Innes for  
his handsome conduct in promoting  
the Society to use his office to meet in  
And Messrs Redoubt Smith & Baldwin  
were appointed a Committee to wait on him  
with the same



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Thos<sup>r</sup> Robinson Simon Smith and Baldwin were then appointed a Committee to write such resolutions as have been adopted by the Society and to draft such others as they may think proper and were directed to report within one month from the eighth day of March instant and had leave to ask for papers and opinions.

It was then

41 Resolved That in future when any Member of the Society moves that a Committee be appointed for any purpose whatsoever that (altho' his name be not inserted in the Motion paper) he be considered as one of the Committee

The Minutes then addressed the Society pursuant to the 40<sup>th</sup> Resolution of this Town

After which an address of thanks was memoriously voted to him for his able address from the Bench on the subject of the institution of this Society



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The Society then went into Committee to draft an address to Mr. James E. Small and the Chairman on rising reported the following as adopted by the Committee

To James Edward Small Esquire Barrister at Law &c

Sir

The Juvenile Advocate Society beg leave to present you with their thanks for your liberal and handsome conduct in granting to them the use of your office for holding their meetings.

Messrs Baldwin and Lyons were then appointed a Committee to wait on him to know when he should be at leisure to receive the address of thanks.

The Deputy Secretary was also directed to engross to copies of the address one to be sent to Mr. Small and the other given to the Committee



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It was then  
42 Resolved that the Secretary be directed to insert  
nothing in the Roll Book or Rule Book until further  
directions from the Society -

Messrs Baldwin Smith Chewitt Lyons and  
Robison were then appointed a Committee  
to present the Thanks of the Society to the  
Benchmen -

The following question was then on the petition  
of Mr Baldwin ordered to be discussed on  
the next day of Meeting - What is Liberty  
Civil or political Liberty most necessary  
for the happiness of Mankind? -

The Society then adjourned until Saturday  
Evening at 7 o'clock Daniel Sullivan  
Benchman.  
Saturday Evening March 10<sup>th</sup>  
1821

The Society having met and the Bench  
being filled -

Messrs Easton and Redenbarr were  
then added to the Committee to wait



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on Mr Small with the address of the Society

Mr Radenburt Chairman of the Committee  
to present the address of thanks to Mr  
Small reported that the Committee had  
done so and that Mr Small had answered  
thus - To the Members of the Juvenile Advocate  
Gentlemen Society

I gratefully accept your thanks and beg  
leave to assure you that in giving the  
use of my office I was only actuated by  
that spirit of friendship which I hope will  
ever exist between the Baristers of this  
Province and the members of your very  
meritorious and praiseworthy Society -

Yours 10<sup>th</sup> March  
1821 -

The order of the day was then read for  
Mr Baldwin's question. Is civil or  
political liberty the most necessary for  
the happiness of mankind -



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It was then ordered that the Benchers speech be entered on the minute Book by the next day of meeting -

Mr Smith then rose to speak to the question Is civil liberty or political liberty the most necessary for the happiness of mankind This was objected to and decided that he was in order - Mr Baldwin then rose to answer Mr Ridout and it was decided that he was out of order

The following question on the petition of Mr Cheever was then assigned for discussion on the next day of meeting

"If a man has a bastard son and that son dies seized of property in fee simple and has no issue to whom does the property descend?"

The Society then adjourned until Friday Evening at 7 o'clock -



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Friday 16<sup>th</sup> March 1821

Twenty One present to appointment  
And the Bench being full -

W<sup>m</sup> Robinson Chairman of the Committee  
of revision reported that he had been  
directed by the Committee to enquire  
of the Society by what means the Committee  
could procure the attendance of its  
members -

It was then Resolved

43 That The Committee of revision have  
the power to inflict a fine not exceeding  
four shillings nor less than one shilling  
on any member or members of the said  
Committee who shall absent himself  
or themselves from the said Committee  
without any good or sufficient cause  
and that such fine or fines be paid into  
the hands of the Treasurer of this  
Society -

The Bench then withdrew from the  
Bench And the Vice Bench having  
taken his seat



Melbury Term 1821. 23

It was  
44 Resolved that it is necessary and expedient  
to alter the name of the Society -

The order of the day was then moved for  
Mr. Chewett's question "If a man have a bastard  
son and that son dis-sure of property in fee  
simple land has no issue to whom does the  
property descend?" but upon motion of Mr.  
Baldwin the further discussion of that  
question <sup>was deferred</sup> until the next day of meeting -

Upon prayer of Mr. Baldwin the following  
question was ordered for discussion on the  
next day of meeting viz "Is the Law  
of nations the Law of the world?"  
It was then

45 Resolved That this Society do recommend  
to the Committee of Revision to draught  
a law altering the name of the  
Society -

On Petition of Mr. Ridout the following  
question was then ordered for discussion  
on the next day of meeting viz "If <sup>a man</sup> has  
two sons by two different wives and makes



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his will in favour of the eldest son and his  
 heirs if this son dies before his father  
 leaving issue a son and the grandfather  
 does not alter the will to whom does  
 the property descend?

It was Resolved that  
 the nomination of Mr Redenbush Mr  
 46 Cartwright <sup>be now</sup> ~~was then~~ added to the  
 Committee of Revision.

The Society then adjourned until  
 Friday evening at 7 o'clock

Friday Evening March 23<sup>rd</sup> 1821  
 Society met pursuant to adjournment  
 but there not being a quorum  
 pursuant they adjourned till  
 Tuesday Evening next  
 at 7 o'clock

Tuesday Evening March 24<sup>th</sup> 1821  
 Society met pursuant  
 to adjournment



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and the Bench being full  
the order of the day arrived for  
Mr. Chew's question — which being  
disposed of Mr. Baldwin's question was  
then read and the further consideration  
being postponed until the next day of  
meeting Mr. McDout's question was then  
read and disposed of.

It was

Resolved that Mr. Sullivan and Baldwin  
be a Committee to provide a proper and  
suitable dress for the Bench and that the said  
Committee have the power to borrow money  
to pay for the same and that the funds of this  
Society and of each and every member thereof  
be pledged for the payment of the said sum  
borrowed with the interest —

Mr. Cartwright the Deputy Secretary then laid  
on the table the Rules of Court pursuant to  
the 29<sup>th</sup> Resolution of this Term —



Wday Nov 1821

W Lyons then moved that the thanks  
of the Society be presented to the Deputy  
Secretary for his promptitude in laying the  
Copy of the Rules of Court before the Society  
which motion was carried and the President  
accordingly informed him thereof.

W Robinson from the Committee of Revision  
then reported that the Committee  
had drafted a Code which he laid on  
the table.

W Baldwin then moved that they be received  
& read which was accordingly done.

W Baldwin then moved that the Report  
be adopted in amendment W Radcliff  
moved that the further consideration of  
the said Report be postponed until the  
next day of meeting which was carried  
The Society then adjourned until Friday  
Evening at 7 o'clock

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Friday Evening

March 30<sup>th</sup> 1821

27

The Society having met pursuant to  
Adjournment and the Business being  
full

W<sup>m</sup> Baldwin moved that the  
question first in the order of the day  
be postponed and the Report of the  
Committee of Revision be now taken  
into consideration — carried —

The Report was then after some amend-  
ments having been made adopted —

And the Society adjourned  
 sine die —

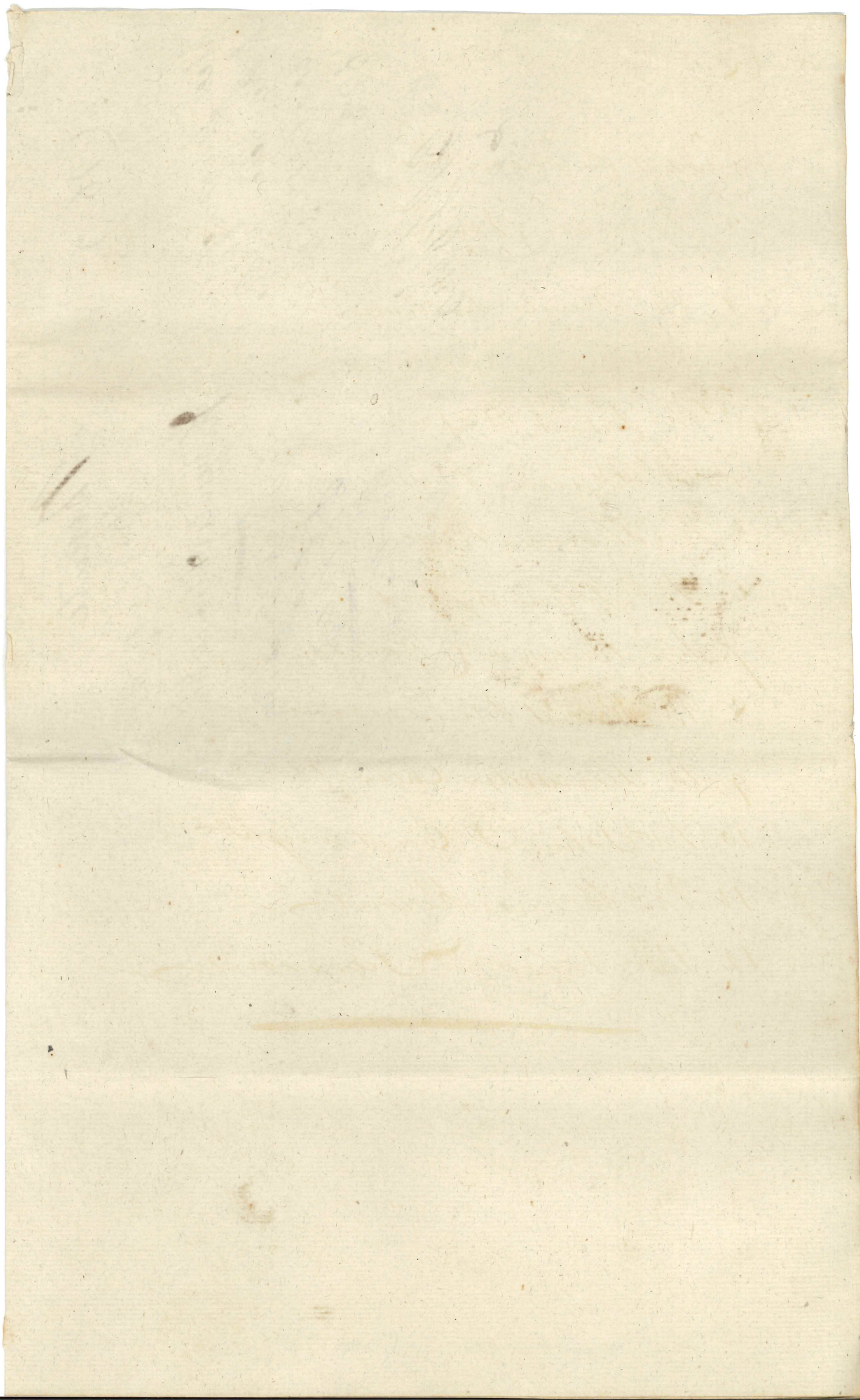
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List of the members of the  
Juvenile Advocate Society

- 1 Mr Daniel Sullivan
  - 2 Mr David W Smith
  - 3 Mr James H Samson
  - 4 Mr Marcus F Whitehead
  - 5 Mr Thomas Radenbush
  - 6 Mr John Lyons
  - 7 Mr Richard C Robinson
  - 8 Mr Robert Baldwin
  - 9 Mr Alexander Chewett
  - 10 Mr John S Cartwright
  - 11 Mr Horace Kidout
  - 12 Mr John H Samson
-







(16)

Sheet purchased  
to the order of the  
Society 28<sup>th</sup> April  
1825

W. W. W.  
Curriers

Minute  
Book of the  
Falmouth School Society  
June 29<sup>th</sup> March 1825  
W. W. W.  
Curriers