



Advocate Society.

Hilary Term,

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

Monday 20th Jan^y 1823

The Society met. - - - - -

The Journals were read. - - - - -

The Benchers made the following re-
port from the Legal Sitting. - - -

In the Legal Sit-
ting of the Advocate
Society, of the term
of Michaelmas in
the year of our Lord
one thousand eight
hundred and twenty

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two.

W D Armstrong } This was an action on a
vs. Bail Bond, to which the

Jno Kemble & defendants pleaded that

Richard Webb the consideration of the

Bail of money for which the o-

Thos^d Johnson riginal action was

brought, was illegal; to this plain-
tiff demurred generally, and defend-
ants joined in demurrer.

Mr Baldwin of Counsel for
plaintiff having obtained a Concili-
um, the demurrer was now ar-
gued by Mr Baldwin for plain-
tiff and Mr Notman for defend-
ant.

After hearing Counsel held by
the Bench, that judgment be
for plaintiff.

Mr Notman of Counsel for defend-
ants having obtained a Rule to
shew cause why the proceedings
on the Bail Bond should not
be staid on the usual terms.

Mr Baldwin for plaintiff shew-
ed cause against the Rule.

Mr Notman for defendants mov-
ed to make the Rule absolute.

In the 2nd & 3^d years of the Society

After hearing Counsel held by the Bench that the Rule be made absolute. - - - - -

Morgan Plaintiff brought an action
vs Wright for Slander against defend-
-ant on the following words
"You put Laudanum in my tea
last night to make me insensi-
-ble so that you might lie with
my wife" Plaintiff obtained a
verdict and £20 damages subject
to the opinion of the Court a-
-bove whether an action could
be maintained on those words no
special damage having been
proved. - - - - -

Mr Baldwin (of Mess^{rs} Bald-
win and Taylor Counsel for
plaintiff) was heard in support
of the verdict. - - - - -

Mr Richardson (of Mess^{rs} Smith
and Richardson Counsel for de-
fendant) was heard against it.
After hearing Counsel, held
by the Bench that the postea
be to defendant. - - - - -

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Barlow, The affidavit of service of,
vs process, after stating the due
Taylor service of the copy, proceed-
ed thus "With a notice thereon
explanatory of the same" Plain-
tiff duly filed Common Bail
according to the Statute, and
signed Interlocutory judgment
during last vacation and after
having received notice of de-
fendant's intention to move in
this term to set aside proceed-
ings assessed damages.

The defendant having obtained
a rule to shew cause why the
proceedings should not be set
aside for irregularity.

Mr. Robert Baldwin of Coun-
sel for the plaintiff now shew-
ed cause against the rule. . .

Mr. Henry Baldwin of Coun-
sel for defendant moved to " "
make the rule absolute. . .

After hearing counsel, held by
the rule be discharged. . . .

(Signed) A Hewett

Bencher

The Vice Bencher made no report. . .

In the 2nd & 3^d years of the Society.

from the Common Sitting.

Pursuant to the order of the day as directed by the ordinance, the Society resolved itself into a Committee of the whole, to ballot for the election of a Benchor and Vice-Benchor.

Mr. Taylor was called to the Chair.

The Society resumed.

Mr. Taylor reported that the Committee had elected Mr. Alexander Chewett Benchor and Mr. Richard C. Robison Vice Benchor unanimously; which report he submitted for the adoption of the Society.

Ordered that the report be received, and Messieurs Chewett and Robison were respectively elected Benchor and Vice Benchor accordingly.

Mr. Baldwin seconded by Mr. Robison moves for leave to bring in a rule to add ordinances to the Constitutions of Saint Michael.

Which was granted and the rule read.

Mr. Baldwin seconded by Mr. Robison, moves that the rule to add ordinances to the Consti-

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lections of Saint Michael be read
a second time tomorrow.

Which was ordered.

Mr Taylor gives notice that he will
tomorrow move for a Com-
mittee for the arrangement
of the papers of last term.

Mr Baldwin gives notice that he will
tomorrow move for leave to
bring up the accounts of last
Term.

Mr Baldwin gives notice that he will
tomorrow move for a Com-
mittee of supply and ways and
means.

The Society then adjourned until Sa-
turday evening next at Six of
the Clock.

Tuesday 28th Jan'y 1823.

The Bench adjourned the Society
for want of a Quorum.

Present

Mr. Bench
Messieurs Baldwin

Notman and

Henry Baldwin

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In the 2nd 3^d years of the Society.

Thursday 30th Jan^y.

The Society met. - - - - -

The Journals were read. - - - - -

The Bench then delivered an Address
to the Society. - - - - -

Mr Baldwin seconded by Mr Notman
moves that Messieurs Henry &
Baldwin and Campbell be a
Committee to wait on Mr.
Bench and request a Copy
of his Address from the Bench
Which was ordered. - - - - -

Mr Henry Baldwin from the Com-
mittee to wait on Mr Bench
for a Copy of his Address from
the Bench reported that they
had done so and obtained a co-
py which he was directed to
submit to the Society

Ordered that the report be received
and the address was read as
follows

Gentlemen,

Mr Daves in
his address to the Students of the
Law makes the following ob-

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servations — "Of all the Liberal Professions there is not any so difficult to study as that of the Law. Those young Gentlemen who are intended for it after they have quitted an University or academy are either impeded in their researches for want of a proper instructor or they are affrighted from them by the gloomy appearance of a Black-lettered folio. Resolution and Industry may have overcome many disadvantages, and time with perseverance may have produced good Lawyers, but the greater number of Students feel their weakness and forbear a profession in which without the assistance of a tutor they might have shone with lustre and gained honour and emolument. Many men who have travelled the wilds of Law without a guide to direct them have been called to the Bar in the hope of business; and there experienced that serious truth

In the 2nd & 3^d years of the Society:

"that few of them are chosen. What
 "they have acquired is perhaps un-
 "digested and without System. -
 "They have either accustomed -
 "themselves to use less oratory, and
 "become Speakers of infinite no-
 "thing, or they have turned over
 "the pages of an experienced Com-
 "mentator before they have read
 "an elementary writer, and lost
 "in the mazes of Legal Know-
 "ledge, they have raised a barrier
 "against it, which ever after -
 "they are unable to pass; while
 "on the contrary had they trodden
 "the paths which a preceptor would
 "have marked out for them they
 "might have come forward and
 "made themselves useful." - - -

So true is this that at our
 own Bar we see young men -
 whose talents and acquirements
 led themselves and their friends to
 hope for every thing excellent in
 them as Lawyers, but who for
 want of the advantages mention-
 ed by Mr Dawes are neither good
 orators nor sound Lawyers, who

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have acquired an inveterate habit of "Casehunting" and a petulant and illiberal spirit arising from their own ignorance when arguing at the Bar that would disgrace the disputes of a Schoolboy. They rely on a continual interruption of the course of the reasoning by quoting a multiplicity of cases few of which have the least resemblance to the point in question. Analogies on which many of the reasonings of Lawyers depend are thought of but by few and when neglected justice is not done to the Client's Cause. The Consequence is that young Lawyers of great talent, and some old ones too, who are thus ignorant or forgetful of their Clients' interest are astonished that others with but half their quickness of Conception should succeed in Cases apparently difficult while they themselves in the most simple ones fail and are disappointed and disgusted with the profession.

When young men without

In the 2nd & 3^d years of the Society.

any guide plunge into the midst of abstruse cases without having a competent knowledge of first principles they must make use of fallacious reasoning and consequently run into error. — — — — —

A habit of this nature when once gained can scarcely ever be shaken off, it grows upon them, they imagine it the true method of conducting business, are wedded to their faults, and seldom or ever succeed. — — — — —

“ These impediments (says Mr
 “ Davies) however, are not insuperable
 “ To defeat them requires an Instruc-
 “ tor for those Students who want a
 “ knowledge of the means to the at-
 “ tainment of ends, and to assist
 “ them in acquiring the habit of
 “ arranging their Ideas on points
 “ of Law, speaking in public and
 “ making them useful. To this
 “ end and presuming that such
 “ Students are not unacquainted with
 “ the four books of Sir W. Black-
 “ stone, and giving them Credit for
 “ a proper share of general reading)

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"in history Civil political and ec-
 "clesiastical, I recommend them
 "to proceed with systematic delibe-
 "ration on the solution of all ques-
 "tions that may come the nearest
 "to their comprehension. By see-
 "ing how these hinge, they will
 "be better able to argue them, and
 "reach in some degree that por-
 "tion of Legal knowledge they
 "may be so anxious to obtain;
 "while those who study without that
 "previous intelligence necessary for
 "the discussion of points either too
 "abstruse, or for which they are
 "not prepared, will lose their time
 "and find themselves in the end
 "when the hour of trial comes, as
 "unfit for business as if they had
 "never studied it at all" - - -

- - - In the Courts at Home, me-
 -diocrity seldom or ever succeeds. -

There are so many whose talents
 perseverance and experience have
 raised them high in the profes-
 -sion, that, there can never be a
 want of eminent men to under-
 -take any cause and in consequence

In the 2nd & 3^d years of the Society

the rest must either have no practice or retire from the Bar in oblivion. The people there have too much discernment to employ either bad Counsel or an indifferent Attorney. Here there is a difference; no professional man however mean his abilities may be, meets with disregard altogether; he will have something to do even though it, ~~must~~ should be little; and this will continue to be the Case as long as there are few of the profession in proportion to the population of the Country, and as long as few out of that few are of superior abilities. But the certainty you have of being always able to gain a competence should never allow you to submit to be among the indifferent, you should aim at a higher mark, your determination should be to arrive at nothing short of excellence, and the more perfect you become the more perfect you will wish to be.

Advocate Society, Hilary Term,

There are none here but, what, have talents; there are none here whose application may not, make them sound Lawyers good orators and raise them to the highest acme of their Ambition.

Let, me however caution all those Students who have just joined you not to be in too great a hurry to enter into the discussions of the elder Students respecting questions which are to them difficult. Let them not regret the time past without trying their unfledged pinions, it is not lost to them, it is not expected that, they should blaze on a sudden nor is it, even supposed they are acquainted with the full extent of their own powers; they will burst out when they least expect it. Let them for a while wait with patience till they acquire a sufficient knowledge of the Law and of the practice of the different Courts to enable them to

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enter into the more simple questions with Confidence. Let them in the mean time attend those courts constantly, and observe the manner practised there of arguing points and other particulars of practice which are all necessary to give them a general idea of the proceedings in a suit and of points on which many of the questions mooted here turn. By this they will gain experience, which is the soul of all reasoning with regard to facts, and this with a little attention and hard study will enable them in a short time to take their ground here with some hopes of success and without doubt they will be able in due time to take a side in any question here or elsewhere. It may be a difficult matter to say what term of probation would be necessary to the Student before he makes his attempt; the

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confidence inspired by his own acquirements and perhaps a proneness to question the assertions of his brother Students would best tell him when to make his debut. — — —

— — — Mr Daves says in another place that "Before the alteration of English Tenures in the early part of the reign of Charles, the writers on Law were of great abilities, and their books were beneficial to the educated Student. Each was his own foundation and their number was small. They were read with instruction and the sedulous enquirer found little or no embarrassment. Scholastically bred he freely understood the authors he studied. But since the general change of all these tenures with all their appendages the consequent disuse of real actions in cases of disputed rights to landed property and the influx of person

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In the 2nd & 3^d. years of the Society,

"ad. possessions the fruits of Agri-
"culture manufactures and com-
"merce, the Law Library hath
"continually increased until their
"language hath been reduced to
"the Mother tongue, and a door
"opened to Students to pass to the
"Bar without those solid ac-
"quirements found absolutely
"necessary to our ancestors. ---
"This hath occasioned that in-
"undation of books, which
"have poured in upon the pro-
"fession from the revolution
"to the present time. Compila-
"tions and breviaries, Compendi-
"ums and vade-mecums, Abridg-
"ments and digests catch the eyes
"of the thirsty student. These
"he reads until convinced that
"he hath sought a phantom
"and that its substance is on-
"ly tangible in those writers
"from whom the principles
"and spirit of the Laws can-
"alone be derived. ---
"Let the well grounded Stu-
"dent therefore avoid wander-

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"ing in such seducing books -
 "and look to the Law itself. -
 "The law of nature of revelation
 "and of nations should be his
 "first professional study. The
 "municipal or common Law
 "of England, consisting of ge-
 "neral or particular customs;
 "the canon Law relative to the
 "national Church, as a part of
 "the State; the acts of parlia-
 "ment and the causes and
 "principles of equity, which are
 "ancillary to the whole for the com-
 "pletion of justice, should ^{be} his se-
 "cond study: Instructed by
 "these he will be prepared for
 "the study of Countries subject
 "to the Laws of England, the
 "rights of persons and things
 "public and private wrongs
 "with all their respective brand-
 "es of particulars, so as to form
 "one entire Science of Jurispru-
 "dence and apply it when cal-
 "led for to the end of practical
 "and distributive Justice. -
 "Without this eloquence will

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"avail but little. It is not a
 "flowing speech that will make
 "him useful at the Bar, where
 "the brilliancy of words is obscu-
 "red by the solidity of Law, -
 "which with a plain unvar-
 "nished tale will always find
 "a preference. Tully said that
 "True oratory gained reputa-
 "tion with the learned, but with
 "the vulgar for whom it was us-
 "ed it was in little esteem" and
 "Demosthenes himself says -
 "Words without deeds are emp-
 "ty and insignificant, and the
 "more ready we seem to em-
 "ploy them the less credit they
 "will meet with" - - - -
 "It is the execution of Law bu-
 "siness and not mere talking in
 "the course of it that will at-
 "tract employ: The knowledge
 "of the former will facilitate
 "the latter. He who can -
 "confirm or defeat a title by
 "his legal discernment, who
 "is acquainted with that heart-
 "string of the Law called spe-

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"cial pleading or who by the fire
 "of his conception can shape the
 "case of his Client to the spirit
 "and letter of Justice so as to af-
 "firm or negative the question
 "afloat, will draw business
 "toward him like the steel to
 "the magnet; while the un-
 "grounded though pleasing
 "speaker will be lost in his own
 "prattle, and do more harm by
 "the freedom of his speech than
 "good by his Judgment" - - -

It would be absurd in me to
 comment on this, there is so
 much good sense, so much
 truth, and so much discern-
 ment shewn through whole
 that it is of itself, my best ex-
 -cuse for quoting so largely, and
 should what I have already
 extracted induce you to look
 at the original, I will deem
 myself amply rewarded. - - -

To benefit by the instructions
 to be derived from your books or
 from those persons who are to
 direct your course in the intri-

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cate study of the Law, or even to argue here with any hope of success requires that you should have your minds free from all boisterous passions nothing should disturb you, nothing take your attention from the continued contemplation of those great principles on which you are to build your legal structure. Tranquillity is desirable to aid you in your Studies, and to form any decision of importance it requires a calm unbiased mind; when your judgment is to bear on any intricate point it must be of the utmost importance. I do not mean that stupid insensibility which weakens the judgment, but a strict attention to your legal affairs and an absence from foolish pleasures and other unnecessary pursuits which too frequently keep the mind in a continual ferment and are the destroyers of all reflection. — — — — — If you have at heart the res =

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-pectability of that Bar to which
 you expect to be called, if you
 hope to rise in the world by prac-
 -tising there, if you wish that
 your continued labours in the
 causes committed to your charge
 may be tempered by the a-
 -musement and satisfaction of
 a cultivated mind arising from
 the sound reasoning and elo-
 -quence of your contemporaries
 and if you wish those contem-
 -poraries and their successors
 to esteem and admire your
 judgment and abilities, now is
 the time to acquire that eloquence
 excellence and discernment which
 is to enliven your future pros-
 -pects; your way will then be
 open to every situation in your
 country however high and you
 may be one day its brightest
 ornaments. — — — — —

Mr Baldwin gives notice that he will
 tomorrow move that the thanks
 of the Society be presented to the
 Bench for his address from —

In the 2nd & 3^d years of the Society

the Bench.

Pursuant to the order of the day, the rule to add ordinances to the Constitutions of Saint Michael was read a second time.

Mr Baldwin seconded by Mr Campbell move that, the Society do now resolve itself into a Committee of the whole on the rule to add ordinances to the Constitutions of Saint Michael.

Which was ordered.

Mr Notman was called to the chair
The Society resumed.

Mr Notman reported progress and obtained leave to sit again tomorrow.

Mr Baldwin seconded by Mr Campbell moves that he have leave to bring up the accounts of last term and that the same be now read.

Which was ordered and the accounts brought up and read as follows.

Account
of the Monies received
and paid at the Treasury

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during Michaelmas Term
1822.

1822	1822
Nov: 30 th Cash received from Mess ^{rs} Phelps & A- dams Commis- sioners of the Board of Exchequer - - - - 0. 11 1/2	Dec: 7 th Cash paid to Mr Ben- cher's draft in favour of John Jennings Taylor - - - - - " 5. 0
Dec: 27 th Cash received from Mess ^{rs} Little & York Commissioners of the Board of fees - - - 5. 0	1823 Jan: 18 th Cash paid to Mr ^s Bencher's draft in fa- vour of John Jennings Taylor - - - - - " 5. 0
- - 30 th Cash received from Mess ^{rs} Phelps & Adams Commis- sioners of the Board of Exchequer - - - - " 6	- - - - - " Cash paid over to - Mess ^{rs} Phelps & A- dams Commis- sioners of the Board of Exchequer to the use of the Treasury " 2. 5 1/2
Total revenue receiv- -ed - - - - - 12. 5 1/2	Total disbursed and paid over - - - - - " 12. 5 1/2

York 20th January 1823

(Signed)

R. Baldwin
Treasurer

Mr Baldwin seconded by Mr Campbell
moves that the Society do now re-
solve itself into a Committee of the
whole on the accounts of last term
Which was ordered.

In the 2nd & 3^d years of the Society

Mr. Notman was called to the Chair--

The Society resumed. ---

Mr. Notman reported that the Committee had agreed to certain resolutions which he was directed to submit for the adoption of the Society. ---

Ordered that the report be received--

And it was ---

Resolved that the receipts into the Treasury during Michaelmas Term one thousand eight hundred and twenty two have amounted to twelve shillings and five pence halfpenny.

Resolved that the disbursements during the same term have amounted to ten shillings.

Resolved that there remains in the Treasury from last term the sum of two shillings and five pence halfpenny.

Pursuant to notice, Mr. Baldwin seconded by Mr. Henry Baldwin moves that the Society do now resolve itself into a Committee of supply and ways and means. ---

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Which was ordered .

Mr. Notman was called to the Chair
The Society resumed .

Mr. Notman reported that the Com-
mittee had agreed to certain reso-
lutions which he was directed to
submit for the adoption of the
Society .

Ordered that the report be received .

And it was .

Resolved that the sum of two pounds
be granted to the Benchers to defray
the expenses of the several offices
of the Society for the present term .

Resolved that the Treasury be at liber-
ty to raise the sum of one
pound by Treasury or Exche-
quer Bills .

Pursuant to notice Mr. Baldwin se-
conded by Mr. Campbell moves
that Messieurs Notman and
Henry Baldwin be a Commit-
tee to arrange the papers of last
term .

Which was ordered .

Mr. Baldwin gives notice that he will
tomorrow move that the Bench-
ers be at liberty to draw on the

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Treasury for the sum voted for the expenses of this term. —

Mr Baldwin gives notice that he will tomorrow move a resolution relative to the manner of obtaining the Benchers' address from the Bench and the entry of the same on the journals —

The Society then adjourned till Tuesday next at six O'clock —

The Society was unable to meet for want of a quorum from Thursday the thirtieth of January till Thursday the twentieth of February one thousand eight hundred and twenty three

Thursday 20th Feb^y 1823.

The Society met. —

The Journals were read —

The Advocate moves that the name George S Farvis on the black side of the Roll be marked called. —

The Advocate moves that the names

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John Low, George Boswell, James King, Philo Hawley and David L. Fairfield be engrossed on the black side of the Roll. — — —

The Prothonotary reports, That on the thirteenth day of February in the year of our Lord one thousand eight hundred and twenty three he did under the direction of the Benchers file in his office a Book, pursuant to an ordinance passed in the term of Michaelmas 1822 & 3 entitled an Ordinance to prevent too hasty a determination to admit as members of this Society others than Students at Law, Mr. Henry Baldwin from the Committee for the arrangement of the papers of last Term informed the Society that the Committee had agreed to a report which he was directed to submit when the Society should be pleased to receive the same. Ordered that the report be received, and it was brought up and read as follows, — — —

In the 2nd & 3^d years of the Society,

To

The Learned the Advocate Society,

The Committee appointed to arrange the papers of last term beg leave to report,

That your Committee have arranged and ^{filed} Seventeen documents of last term being all that your Committee think of any importance, and that your Committee have destroyed all the useless papers, — — — — —

All which is most humbly submitted,

Advocate Society (Signed) W B W M M Linn
Committee Room Chairman of the Committee
18th Feb^y 1823

Pursuant to notice Mr Baldwin seconded by Mr Richardson moves that the thanks of this Society be presented to Mr Bench-er for his address from the Bench at the commencement of this term. — — — — —

Which was ordered. — — — — —

Pursuant to notice Mr Baldwin second-

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ed by Mr. Richardson moves
that the Benchers have leave to
draw on the Treasury for the
amount voted for the expenses
of this term.

Which was ordered.

Pursuant to the order of the day the
Society went into Committee on
the Rule to add Ordinances to
the Constitutions of Saint Mi-
chael.

Mr. Notman was called to the chair
The Society resumed.

Mr. Notman reported progress and
obtained leave to sit again to-
morrow.

Mr. Smith gives notice that he will
soon after the twenty eighth day
of February instant move a
certain resolution as pointed out
by an Ordinance passed in Mi-
chaelmas term last for extend-
ing the benefits of this Institu-
tion to others as well as Stu-
dents at Law.

Mr. Baldwin gives notice that he will
on some future day move for a
select Committee to take into

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consideration the expediency and propriety of admitting others than Students at Law to seats in the Society.

The Society then adjourned until Friday the twenty eighth instant at six o'clock.

The Society was unable to meet for want of a quorum from Thursday the twentieth of February until Friday the seventh of March 1823.

Friday 7th March 1823

The Society met.

The Journals were read.

Pursuant to the order of the day the Society went into Committee on the rule to add ordinances to the Constitutions of Saint Michael.

Mr. Henry Baldwin was called to the Chair.

The Society resumed.

Mr. Henry Baldwin reported pro-

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-gress, and obtained leave to sit
-again this day fortnight - - -

Pursuant to notice Mr Baldwin se-
-conded by Mr Campbell moves
that Messieurs Bethune, Robison
Smith and Baldwin be a select
Committee to take into conside-
-ration the expediency of admit-
-ting others than Students at Law
to seats in the Society, and that
the said Committee be empow-
-ered to send for members and pa-
-pers and to ask for opinions
Which was ordered - - -

Mr Richardson seconded by Mr
Campbell moves that the name
of Mr Campbell be added to
the Committee appointed to
take into consideration the ex-
-pediency of admitting others
than Students at Law to seats
in the Society - - -

Which was lost - - -

And the Yeas and Nays being called -
were as follows,

Yeas	Nays
Messrs Richardson	Messrs Baldwin
Campbell	H. Baldwin

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The Society being divided, the question was carried in the negative by the casting vote of the Bench.

Pursuant to notice Mr. Baldwin moves the resolution for extending the benefits of this Institution to others than Students at Law.

The resolution was then read pursuant to the ordinance.

The Society then adjourned.

The Society was unable to meet for want of a quorum from Friday 7th March to Tuesday 25th March 1823.

Tuesday 25th March 1823.

The Society met.

The Journals were read.

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In the 2nd & 3^d years of the Society.

Mr. Baldwin seconded by Mr. Radenburgh moves that he have leave to bring up the petition of Robert Baldwin Sullivan of the town of York Gentleman and that the same be now read.

Which was ordered and the petition was brought up and read as follows,

To the Learned the Advocate Society

The Petition of Robert Baldwin Sullivan of the town of York Gentleman, respectfully sheweth

That your petitioner is a Clerk duly articled to William Warren Baldwin Esquire, one of the Attornies of his Majesty's Court of King's Bench in and for this Province; that your petitioner from unavoidable circumstances, has been prevented from making application to the Law Society for admission on their books as a Student at Law, but that your petitioner so soon as he can ren-

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der himself capable of passing the usual examination before the Benchers of that Society, intends to make such application, and that your petitioner in the mean time is desirous of becoming a Member of your Society. Your petitioner therefore prays that your Learned Society will take into consideration the peculiar circumstances in which he is placed, and if consonant to the spirit of your Constitution and consistent with the Independence of your Learned Society, that you will take such measures as may be necessary to admit your petitioner to a seat in your Society. And your petitioner will ever pray &c

(Signed) R B Sullivan

York March 21st 1823

Mr. Robert Baldwin seconded by Mr. Radenhurst moves that the petition of Robert Baldwin Sullivan be referred to select Committee of Messrs Smith and

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Robison, to take the same into consideration and that they have leave to report by rule or otherwise.

Which was ordered.

Mr. Robison from the select Committee to whom was referred the petition of Robert Baldwin Sullivan informed the Society that the Committee had agreed to a report which he was directed to submit whenever the Society should be pleased to receive the same.

Ordered that the report be received, and a rule to appoint Robert Baldwin Sullivan a member of this Society was read accordingly.

Mr. Robison seconded by Mr. Baldwin moves that Mr. Sullivan's appointment rule be read a second time tomorrow.

Which was ordered.

Pursuant to the order of the day the Society went into Committee of the whole on the rule to add ordinances to the Constitutions

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of Saint Michael.

Mr. Notman was called to the Chair
The Society resumed.

Mr. Notman reported progress, and
asked leave to sit again on Sun-
day three weeks.

On the question for receiving the re-
port, the Yeas and Nays be-
ing called were as follows

Yeas

Nays

Messrs Notman

Messrs Givins

Robison

Smith

Radenhurst

Baldwin

Richardson

Henry Baldwin

The Society being equally divided the
question was carried in the affir-
mative by the casting vote of the
Bencher.

Mr. Baldwin gives notice that he
will tomorrow move that the
papers of the Juvenile Advocate
Society be filed in the office of
the Prothonotary.

The Society then adjourned until
Saturday next at six o'clock.

75
39

In the 2nd & 3^d years of the Society.

Saturday 29th March 1823.

The Society met at half past Six o'clock.

The Journals were read

Mr Richardson seconded by Mr Raden-
hurst moves that the select
Committee appointed to take in
to consideration the expediency
of admitting others than Stu-
dents at Law as members of this
Society be dissolved, and that
the Society do now resolve itself
into a Committee of the whole
for that purpose.

Which was lost,

And the Yeas and Nays being called
were as follows.

Yeas.	Nays.
Mr. Richardson	Messrs Robison
~~~~~	~~~~~ Baldwin
~~~~~	~~~~~ Radenhurst
~~~~~	~~~~~ Givins
~~~~~	~~~~~ Notman
~~~~~	~~~~~ Ridout
~~~~~	~~~~~ Campbell
~~~~~	~~~~~ & Henry Baldwin. 8



# Advocate Society Hilary Term,

And the question was carried in the Negative by a majority of seven Mr. Richardson seconded by Mr. Radenburgh moves that it be ordered that the select Committee appointed to take into consideration the expediency of admitting others than Students at Law as members of this Society do report on the next night of meeting.

Which was lost.

And the Yeas and Nays being taken were as follows,

Yeas	Nays
Mess ^{rs} Richardson	Mess ^{rs} Robison
& Radenburgh	Baldwin
	Campbell
	Givins
	Notman
	Ridout
1.	& Henry Baldwin ²
	<u>5</u>

And the Question was carried in the negative by a majority of five Mr. Robison seconded by Mr. Baldwin moves that the Society do



In the 2nd & 3^d years of the Society

now go into the order of the day upon  
the second reading of Mr. Sulli-  
van's appointment rule.

Which was ordered.

Mr. Robison seconded by Mr. Bald-  
win moves that he have leave  
to open the evidence in support  
of the petition.

Which was ordered.

A Certificate was then put in and  
read as follows,

Upper Canada  
Home District  
York

Mr. Robert Baldwin Sul-  
livan is a Gentleman duly ar-  
ticated to me as an Attorney of  
his Majesty's Court of King's  
Bench in this Province by  
an Indenture bearing date the  
eighteenth day of March in the  
year of our Lord one thousand  
eight hundred and twenty three  
and I have ^{every} reason to believe  
that he intends applying to the  
Law Society to be admitted a  
Student on their Books so soon



# Advocate Society, Hilary Term

as he can qualify himself to pass the usual examination before the Benchers of that Society.

As Witness my hand this twenty sixth day of March in the year of our Lord one thousand eight hundred and twenty three --

Signed in the presence of

(Signed) Robt Baldwin (Signed) Wm Baldwin

At the request of Mr. Robison for the petitioner Mr. Baldwin was called, and having pledged himself to the Society to give evidence to the truth, was examined in his place by the Benchers as follows,

1st Question. Do you know Robert Baldwin Sullivan the petitioner?

Answer. I do.

2nd Question. Is Robert Baldwin Sullivan the petitioner a Gentleman?

Answer. He is.

3^d Question. Do you know William Warren Baldwin Esquire, an Attorney of the Court of Kings



In the 2nd & 3^d years of the Society

Bench in this Province?

Answer. I do.

4th Question. Did you see William Warren Baldwin Esquire sign this paper writing, and are you the subscribing witness to the same?

Answer. I did and I am the subscribing witness to the same.

Pursuant to the order of the day Mr. Sullivan's appointment rule was then read a second time. Mr. Robison seconded by Mr. Baldwin moves that the Society do now resolve itself into a Committee of the whole on Mr. Sullivan's appointment rule.

Which was ordered.

Mr. Notman was called to the Chair.

The Society resumed.

Mr. Notman reported the rule as amended.

Ordered that the report be received.

Mr. Baldwin seconded by Mr. Robison moves that Mr. Sullivan's appointment rule be engrossed and read a third time tomorrow.



# Advocate Society Hilary Term.

In Amendment Mr. Richardson seconded by Mr. Radenhurst moves that after the word "time" in the original motion the rest be expunged and the following inserted "on Sunday three weeks"

Upon which the Society divided, and the Yeas and Nays being taken were as follows,

Yeas	Nays
Messrs Radenhurst	Messrs Robison
Richardson	Baldwin
Notman	Givins
Campbell	Ridout
	Henry Baldwin
4	5

The question was accordingly carried in the Negative by a majority of one.

In Amendment Mr. Richardson seconded by Mr. Radenhurst moves that after the word "time" in the original motion the rest be expunged and the following inserted "on the last day of next Term".



In the 2nd & 3^d years of the Society

Upon which the Society divided and the Yeas and Nays being taken were as follows,

Yeas	Nays
Mess ^{rs} Radenhurst	Mess ^{rs} Baldwin
Richardson	Robison
Notman	Ridout
& Campbell 4	Givins
	& Henry Baldwin 5
	<u>4</u>
	1

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

On the original question the Society then divided, and the Yeas and Nays being taken were as follows

Yeas	Nays
Mess ^{rs} Robison	Mess ^{rs} Radenhurst
Baldwin	Richardson
Givins	Notman
Ridout	& Campbell 4
& Henry Baldwin 5	
<u>4</u>	
1	

The question was accordingly carried in the affirmative by a majority of one and it was ordered accord-



# Advocate Society Hilary Term.

ingly.

Pursuant to notice Mr. Richardson seconded by Mr. Baldwin moves that Mr. Baldwin having acknowledged in his place that he had in his possession the minutes of the Juvenile Advocate Society, the report of the Committee of Revision of that Society, and the original papers in which is contained the Speech of the Late Benchet Mr. Sullivan, it be ordered that Mr. Baldwin do file the said papers in the office of the Prothonotary, with all convenient speed.

Which was carried.

At nine of the clock the Society adjourned.

Tuesday 1st April 1823.

The Society met at seven of the clock  
The Journals were read.

Mr. Richardson seconded by Mr. Campbell moves that the order of the day for the third reading of



In the 2nd & 3^d years of the Society

Mr. Sullivan's appointment  
rule be discharged and be of the  
order of the day for Sunday —  
three weeks.

Upon which the Society divided and  
the Yeas and Nays being ta-  
ken were as follows,

Yeas	Nays
Mess ^{rs} Richardson	Mess ^{rs} Robison
Radenhurst	Baldwin
& Campbell	Givins
	Ridout
3	& Henry Baldwin
	3
	2

The question was carried in the nega-  
-tive by a majority of two.

Mr. Richardson seconded by Mr. Ra-  
-denhurst moves that the following  
Clause be added as a Ryder to  
Mr. Sullivan's appointment rule  
"Provided always, and be it fur-  
-ther ordained and enacted by the  
"Advocate Society, That the said  
"Robert Baldwin Sullivan shall  
"by the last day of Hilary term  
"next file in the office of the Pro-  
-thonotary a certificate signed by



# Advocate Society Hilary Term,

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."

Which was ordered

Mr Radenhurst seconded by Mr Campbell moves that the following clause be added as a Ryder to Mr Sullivan's appointment rule  
 "And be it further ordained and enacted that nothing in this ordinance contained shall extend or be construed to extend to give the said Robert B Sullivan a vote in this Society until after he shall have produced such certificate as aforesaid of his name having been entered on the Books aforesaid."

The previous question was put and carried

Pursuant to the order of the day, Mr Sullivan's appointment rule was then read a third time.

Mr Robison seconded by Mr Baldwin moves that Mr Sullivan's appointment rule do now pass, and



In the 2nd & 3^d years of the Society.

that it be entitled: "An Ordinance  
to appoint Robert Baldwin Sul-  
livan a Member of this Society"  
Upon which the Society divided, and  
the Yeas and Nays being taken  
were as follows,

Yeas.	Nays.
Mess ^{rs} Robison	Mess ^{rs} Radenhurst
_____ Baldwin	_____ Richardson
_____ Givins	_____ & Campbell
_____ Ridout	_____
& Henry Baldwin 5	_____ 3
3	
2	

The question was accordingly carried  
in the affirmative by a major-  
ity of two.

Mr. Robison gives notice that he will  
tomorrow move for leave to bring  
in a rule to regulate the admis-  
sion of articled Clerks who may  
not have been entered on the books  
of the Law Society.

Mr. Baldwin gives notice that he will  
shortly after the fourth of this pre-  
sent month, move that Mr Hen-  
ry Baldwin be appointed Advo-  
cate, and that a new Commission



# Advocate Society Hilary Term,

do issue accordingly issue. — —

At half past eight o'clock The Society adjourned until Saturday next at six o'clock. — — —

Saturday April 5th 1823. — —

The Society met at half past seven o'clock  
The Journals were read. — — —

Mr. Sullivan's appointment rule was then read from the Bench out of the Ordinance Book and delivered. — — —

Mr. Smith seconded by Mr. Ridout, moves for leave to bring up the petition of Mr. James King and that the same be now read. —

Which was granted and the petition brought up and read as follows

To the Learned the Advocate Society  
The petition of James King  
Late of Ireland, now of York in  
the Province of Upper Canada  
Gentleman,

Humbly Sheweth  
That your petitioner is duly ad —



In the 2nd & 3^d years of the Society.

mitted upon the Books of the Law Society of this Province, as a Student thereof as appears by the annexed Certificate, and is desirous of being admitted as a Member of your Society; wherefore he prays that your learned Society will adopt such measures as may, according to the laws and customs of the Society, entitle him to a seat therein.

And your Petitioner as in duty bound will ever pray

York 5th April 1823,

(Signed) James King

A Certificate thereto annexed was then read as follows,

I Certify that Mr. James King is articulated to me, and has been admitted as a Student at Law upon the books of the Law Society as of Michaelmas Term last.

York 5th April 1823

(Signed) A. W. Brutton  
Treasurer of the  
Law Society U. C.



# Advocate Society Hilary Term,

Mr. Smith seconded by Mr. Baldwin moves that the Society do on to-morrow go into Committee to ballot for the admission of Mr. James King.

Which was ordered.

Pursuant to notice Mr. Baldwin seconded by Mr. Sullivan moves that it be ordered that Mr. Henry Baldwin be appointed Advocate and that a new Commission do issue accordingly. The previous question was put and carried.

Mr. Baldwin seconded by Mr. Smith moves that it be ordered that this Society at its rising do adjourn till Tuesday next at six o'clock.

Which was carried.

Mr. Smith seconded by Mr. Ridout moves that the Select Committee on the Constitutions of Saint Michael be ordered to bring up their Report on Tuesday next.

Which was carried unanimously.

Mr. Richardson gives notice that he will on the next night of meeting move a certain resolution respect-



In the 2nd & 3^d years of the Society.

—ing the eighth rule of the house of  
Assembly.

At a quarter before eight o'clock the So-  
ciety adjourned.

Tuesday April 8th 1823.

The Society met at seven of the Clock.

The Journals were read.

Pursuant to the order of the day the So-  
ciety went into Committee to  
ballot for the admission of Mr.  
King.

Mr. Richardson was called to the chair

The Society resumed.

Mr. Richardson reported Mr. King ad-  
mitted a Member.

Ordered that the report be received and  
Mr. King was admitted a Mem-  
ber accordingly.

The Bencher informed the Society  
that Mr. King a Member of this  
Society was in attendance at the  
Bar and waiting to be introduc-  
ed.

Mr. King was then introduced be-  
tween Messieurs Smith and



# Advocate Society Hilary Term.

Baldwin and took his seat. — — —

Pursuant to order Mr. Rolison from the Committee to take into consideration the expediency of admitting as members of this Society others than Students at Law informed the Society, that they had agreed to a report which he was directed to submit whenever the Society should be pleased to receive the same. — — —

Ordered that the report be received, and it was brought up and read as follows,

To the Learned the Advocate Society

The Select Committee appointed to take into consideration the expediency of admitting others than Students at Law to seats in this Society, beg leave to report,

That in pursuance of the trust reposed in them they have given the subject their most serious consideration, and well knowing how much was due to the opinions of the gentlemen of the Bar re-



In the 2nd & 3^d years of the Society

resident in York, by whom the Society in its infancy had been so warmly cherished, they deemed it exceedingly beneficial to the Society, to be in possession of the opinions of those gentlemen before the adoption of a measure, which might be of vital importance to the Society, and accordingly addressed to them a Statement (**A**) in which was contained a brief account of the origin and progression of the Society, together with certain queries (**B**) to which they were respectfully solicited to give an answer.

That your Committee have reason to express their warmest thanks for the support those gentlemen so politely afforded them, who by their satisfactory answers (**CDEFG**) relieved them from a vast deal of doubt and difficulty.

That the reasons expressed in those answers, and the objections made by those gentlemen against the adoption of the measure be-



# Advocate Society Hilary Term

fore your Committee are perfectly consonant with the opinions of your Committee and appear to them to be a most unequivocal argument for its rejection. Your Committee therefore beg leave to state that they consider the admission of others than Students at Law to seats in this Society at present altogether inexpedient.

All which is most respectfully submitted

(Signed) Richard C Robison  
Chairman

The documents referred to alphabetically accompany this report and are attached to it.

(Signed) Rich^d. Robison  
Committee Room  
York April 8th 1823

W^r Smith seconded by W^r. Baldwin moves that the reading of the documents accompanying the report of the select Committee appointed to take into consideration the expediency of admitting to



In the 2nd & 3^d years of the Society.

seats in this Society others than  
Students at Law be deferred to the  
next night of meeting. - - - -

Which was ordered. - - - -

Mr. Robison seconded by Mr. Baldwin  
moves that the Society do on to-  
morrow take into consideration  
the report of the select commit-  
tee appointed to take into consid-  
eration the expediency of admitting  
others than Students at Law to  
seats in this Society. - - - -

Which was ordered. - - - -

Mr. Advocate Richardson brought  
down a message from the Bench-  
er which having read in his place  
he delivered at the Table and it  
was read as follows,

The Benchers,

Inform the So-  
ciety, that Mr. Robert Baldwin  
has resigned the Keys of the Treas-  
ury,

(Signed) A. Chewett  
Benchers - - -

Mr. Richardson seconded by Mr. Rid



# Advocate Society Hilary Term,

-out moves that the Society do now  
-resolve itself into a Committee of  
the whole on the Benchers mes-  
-sage communicating the re-  
-signation of the Keys of the Trea-  
-sury. - - - - -

Which was ordered. - - - - -

Mr. Smith was called to the Chair. - - - - -

The Society resumed - - - - -

Mr. Smith reported that the Commit-  
-tee had agreed to a certain reso-  
-lution which he was directed to  
submit for the adoption of the  
Society. - - - - -

Ordered that the report be received. - - - - -

And it was

Resolved that Mr. Horace Ridout  
be appointed Treasurer and that  
a new Commission do issue ac-  
-cordingly. - - - - -

Mr. Richardson seconded by Mr. Sul-  
-livan moves that the Society do  
now resolve itself into a Com-  
-mittee of the whole to take into  
consideration the resignation of  
the Late Treasurer. - - - - -

On this question the Society divided.  
and the Yeas and Nays being



In the 2nd & 3^d years of the Society

taken were as follows

Yeas	Nays
Mess ^{rs} Richardson	Mess ^{rs} Robison
& Sullivan	Smith
	Baldwin
	Ridout
	King
2	& Henry Baldwin 6
	2
	4

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

Mr. Advocate Richardson brought down a message from the Bench-er which having read in his place he delivered at the Table and it was read as follows,

The Bench-er

Informes the Society that Mr. John Jennings-Taylor has resigned the Prothonotaryship

(Signed) J. Chewett  
Bench-er

Mr. Richardson seconded by Mr. Robison moves that the Society do



# Advocate Society Hilary Term

now resolve itself into a Committee of the whole to take into consideration Mr. Benchers message communicating the resignation of the Prothonotaryship.

Which was ordered.

Mr. Ridout was called to the Chair  
The Society resumed.

Mr. Ridout reported that the Committee had agreed to a certain resolution which he was directed to submit for the adoption of the Society.

Ordered that the report be received,  
And it was,

Resolved that Mr William Notman be nominated Prothonotary and that a new Commission do issue accordingly.

Mr. Baldwin seconded by Mr. Robison moves that it be ordered that persons having held public offices may file their quichuses in the office of the Prothonotary there to remain of record and that the fifth rule of the House of Assembly be dispensed with so far as relates to this motion.



In the 2nd & 3^d years of the Society

Which was carried.

At a quarter before eight O'clock the Society adjourned.

Tuesday April 15th 1823.

The Society met at Six of the Clock.

The Journals were read.

Pursuant to the order of the day the Documents attached to the report of the Select Committee appointed to take into consideration the expediency of admitting to seats in this Society others than Students at Law, were read as follows,

(A)

The Society was instituted about two years ago by the Students at Law resident in York, and has gradually increased until at present it is composed of Students residing in most parts of the Province.

In the infancy of the Institution points of Law and such other general questions as were proposed to it



## Advocate Society, Hilary Term,

by its members were argued or discussed indiscriminately.

In its present state it is divided into two Branches one of which under the presidency of the Bench-er argues points of Law, Cases, demurrer &c, the other under the Vice Bench-er discusses nothing but general theses, each of which has its respective laws for the governance thereof.

It has been contemplated to extend the Institution to the admission of others than Students at Law and the following are the principles upon which such effect is proposed to be accomplished,

1st The Society is to be divided into two bodies,

2nd The first of which is to consist of the Students at Law for the discussion of points of Law.

3^d The second of all the members of the Society both Students and others for the discussion of general theses.

4th All new laws or alterations in the old to be assented to by both



In the 2nd & 3^d years of the Society.

bodies separately before they are to have any force. — — — —

5th Each body may make rules for itself, provided they do not interfere with the other body or the general laws of the Society. — —

6th Each body to elect its own presiding officer. — — — —

(B)

1st Is it your opinion that the admission of others than Students at Law would give generally more spirit and vigour to the Society? — — — —

2nd That if admitted those not Students would gain too great a preponderance in the Society? — —

3^d That such admission would make the discussions on general theses more interesting and consequently more useful? — — — —

4th What do you think would be the advantages and disadvantages of such admission? — — —

5th On the whole would you advise the admission of others than Students at Law or not? — — —



# Advocate Society Hilary Term

## (C)

21st March 1823

Sir,

I received your letter of the 14th instant inclosing a report of the principles and progress of the Society to which you belong and also some questions upon which you desire my opinion. I shall with much pleasure give you any advice or assistance you may require in furtherance of so laudable and praiseworthy an undertaking as that in which you seem to be engaged. — — — — —

There are many Societies in London composed of young men of the learned professions, and in the Universities of young persons of literary habits not immediately intended for any particular profession. These Societies I have generally seen useful and amusing to their respective members. Gentlemen studying the same profession and bound together by that esprit du Corps, which persons in the same pur-



In the 2nd & 3^d years of the Society.

such are naturally actuated by, and moreover acquainted with each other by frequent communication in the course of their daily studies form pleasant as well as entertaining Societies. They feel themselves upon an equality and no idea exists that some persons are admitted that are inferior to the rest. There is a community of interests of ideas and of objects. The same may be said of Societies formed in the universities by young men of letters; these they know they are all gentlemen, their object is the same, that of improvement in all branches of literary acquirement. Thus far Societies of this sort have a beneficial effect; but, when they are formed in towns of persons who have no common tie, who have left their early studies and have entered into the world and are pursuing different professions and employments and perhaps scarcely meet except in their clubroom, I think they are productive of no good. --



# Advocate Society Hilary Term,

If it is an open Society, one of its members may have a friend or even relation that he would wish to introduce, who is ordinarily following some trade or handicraft that would not render him very acceptable to a stranger that was studying a learned profession. By such means ill blood is engendered and the peace and harmony of the Society and with those the Society itself are broken up and destroyed.

I would therefore strongly recommend your keeping your Society confined to young men of the profession and by no means admitting any other persons.

You cannot discuss legal questions and common topics the same evening in a mixed Society and therefore you had better keep yourselves as you are, which will not prevent any of your body who may be so disposed from joining another Society composed of persons of different pursuits who



In the 2nd & 3^d years of the Society

may hold their meetings at a different period.

I should have answered your letter earlier had I not been much engaged these few days past.

I am

Your ob. Serv^t  
(Signed) A. Boulton

Mr. Richard Robison  
Chairman of the Com-  
mittee of the Advocate  
Society.

(D)

Spadina 22nd March 1823

Sir,

Your letter is on a subject so important, that it offers to reflection a field much larger than a sheet of paper affords; I hope therefore my brief reply will not be attributed by the Committee to a disposition to slight the subject, but lest longer silence may expose me to this suspicion I hope you and the young gentlemen will excuse my brevity.

Human Society is formed of so



## Advocate Society, Hilary Term.

elegant a web, that every violence done it makes a breach which however repaired will long remain a blemish. - In all its rich tapestry distinction is necessary; this is nature or more properly speaking the order of providence. Every institution built without this caution must be frail. - This observation if well founded is as applicable to your juvenile association as to the more important and adult departments of Society. As the division of labour tends to improve and perfect an art so the division of Society tends to polish and perfect Mankind in those arts which embracing religion morals and science are as it were the machinery of progressive embellishment and happiness of a people. Your studies are a science of the first order; the science of Law is the science of human nature not in the abstract but in all the diversities of active life. It therefore ought to be pursued with-



In the 2nd & 3^d years of the Society

every possible diligence by those on whom it devolves. The objects of the Advocate Society are neatly and well pointed out in the document accompanying your letter as intended to assist this study. The Institution reflects the greatest credit upon the Students of Law and most certainly if maintained with due gravity decorum and perseverance will fully answer its end which I greatly fear will not be the case if the contemplated change should take place. The profession of the Law with all other professions in every civilized country is guarded by particular Statutes and decrees from indiscriminate admission to its honours which as well as its emoluments are confined to those who by education and a course of study qualify themselves to fulfil its duties. I would therefore strongly recommend this Society to observe this principle in the conduct and management of this their small commencement. I do not



# Advocate Society Hilary Term

mean that the study of the Law should be confined to any select-portion of the Community, God forbid that any class of Society should be excluded from pursuing the objects of honourable ambition in this Country. No but that the honours and emoluments of the profession should be conferred on those persons only who by study and labour qualified themselves to discharge its duties. For this purpose the Law Society is established by a particular Statute and in aid of this purpose this association of the Students has been entered into; a purpose which as I have just said I fear would be entirely defeated by the contemplated changes mentioned in the queries of our Committee. In opening the door to indiscriminate admission the Society will lose all the incentive which distinction gives. The barrier placed by the present rule like the statute in respect of the Law



In the 2nd & 3^d years of the Society

Society, gives a sort of legality to that necessary distinction and the Individuals excluded by it feel no pain, while if it was otherwise the choice (for there must be a selection) must be by ballot or vote, in which case rejection would certainly give offence, and while I greatly approve of the division made by the Society in its subjects of discussion, yet if the contemplated change takes place and Strangers not Students are admitted, this very division will injure if not altogether destroy the main object. The pleasure of discussing general topics would be so captivating to the majority of the enlarged Society, that Law questions would be before long excluded and the Society would be totally changed with this great evil that the Students at Law would lose that relish for their profession which it was the design of the Institution to create and promote, and thus injure



## Advocate Society, Hilary Term

themselves by mispending their time and indeed lessening themselves and their profession in the estimation of their companions. Such I think will be the event if the Society should subsist under the proposed plan, but indeed I do not think it would survive the change two years, for in a Society so small as that of York every youth whatever his morals his manners or condition in life may be, would be more or less desirous of admission to hear or be heard or at all events to be noticed. — Ballot or vote will not prevent unwelcome persons, and a few of these will necessarily oblige three times their number of respectable youths to withdraw from them. One unpleasant guest is enough to break up the happiest company and can it be otherwise with the Advocate Society. I hope it will not be thought that I am averse to general improve-



In the 2nd & 3^d years of the Society.

ment of the youth of all classes -  
and professions - far from it -  
I would promote it - but the -  
change will check it, first in  
yourselves and finally every  
where - for it will not stand.  
If the other young gentlemen  
of York or of the Province are  
desirous of improving themselves  
let them follow your example -  
and associate accordingly, and  
when such new association is  
formed of Members and with  
rules of similar respectability  
a favourable and agreeable inter-  
course may be maintained be-  
tween the two by means of vi-  
siting, which is usually the  
mode adopted in the great towns  
and cities of England and Scot-  
land where such associations  
are frequent. I must therefore  
advise the Advocate Society to  
preserve its first institution with  
as little innovation as possible -  
and above all not to open the  
door to general admission. -  
With best wishes for the prosper



# Advocate Society Hilary Term,

ity of the Advocate Society as  
well as for the individual ho-  
nour and advancement of the  
young gentlemen forming it.  
I beg leave to subscribe myself,

Your faithful servt.

(Signed)

W W Baldwin

Spadina 23^d March 1823

To Mr. Richard Ro-  
bison Chairman of  
the Committee of the  
Advocate Society. -

( E )

York 18 March 1823.

Sir,

I have to acknowledge the  
receipt of your letter of the 14th  
inst. which you subscribe as  
Chairman of the Committee  
formed of Students of the Law  
Society, wherein you give a state-  
ment of the principles on which  
your Society was formed and  
enclose certain queries which  
I shall now endeavour to answer  
You mention that the Socie-



In the 2nd & 3^d years of the Society.

ty is at present composed of Students residing in various parts of the Province, but that it is contemplated to extend the institution by admitting others than Students under the impression that additional spirit and vigour would be acquired and matters there discussed would become more useful and interesting. — — — — —

It seems to me that the Students at Law are sufficiently numerous in the province to form an exclusive and independent body for the purposes contemplated at the institution of the Society you mention; and I conceive they do not stand in need of any foreign or extrinsic weight or intelligence to give respectability to the establishment which they have so creditably to themselves and with such good motives formed. — — — — —

I should therefore be averse to the admission of any member not being a Student at Law. —



# Advocate Society Hilary Term,

The simpler fewer and less complicated your rules and regulations are, the better. The introduction of strangers would make it necessary in all probability to depart from some already formed or to modify them to meet their particular cases. If the door of admission were once thrown open to others, it might be difficult to draw the line of distinction between the merits of the various candidates who might offer themselves. Jealousies would be created at the exceptions you would find it imperatively necessary to make and a hostility ^{might} excited which ~~be~~ most easily avoided by retaining the advantages which must necessarily flow from your meetings as now constituted within your own circle. The question of admission might destroy the harmony so necessary to your institution now existing among yourselves. You might eventually be outnum-



7/17

In the 2nd & 3^d years of the Society.

bered by these strangers, these  
on general subjects might take  
too wide a range and too much  
interfere with the more particu-  
lar objects of your Society.

For these reasons I should be  
averse to the introduction of  
Strangers.

I should not my answer be suf-  
ficiently explicit, I shall be  
extremely happy to afford any  
additional communication  
in my power to make on the  
matter referred.

With best wishes for your pre-  
sent institution,

I remain Sir,

your hum^{ble} & obed^t Serv^t

(Signed) George Ridout

To Mr. Richd Robison  
Chairman of the Com-  
mittee &c &c

( F )

York 17 March 1823

Sir,

I regret that professional  
engagements should have depri-



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—red me until the present moment  
of leisure to answer your letter of the  
11th instant.

In replying to your queries I am  
to be governed by your accompany-  
—ing explanation of the nature of your  
Society in its first institution  
and in its present state. You in-  
—form me that in its infancy it  
was confined to subjects of Law a-  
—lone, but that it has gradually di-  
—vided or rather so far relaxed in  
its original rules as to allow on  
particular occasions and under  
particular regulations, theses  
of general natures to be discussed.  
So far I think the Society was  
wise, but I could not mature  
reflection advise a further devi-  
—ation from the intention of the  
original founder. That a gene-  
—ral acquaintance with litera-  
—ture in all its branches, is as  
necessary for the Lawyer as  
any of the other learned profes-  
—sions is a position not to be  
doubted, and I do not see any  
method more likely to improve



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the young gentlemen who compose your Society, in this particular than the one adopted if properly acted upon - To your first query I answer that I do not think the general admission of others than young gentlemen fitting themselves for the Bar would in any manner add vigour to its proceedings; on the contrary, I apprehend it would in a great measure tend to cripple its proceedings in attaining that object for which you inform me it was in its original institution exclusively intended. - It is natural to suppose that all would take a lively interest in the discussion of any topic of general information, but that when a law question of perhaps a dry or abstract nature was agitated, those not immediately interested would not only feel no interest in its right decision but by their confined ideas on the subject would materially tend to confine and confound the ideas of others, and this I apprehend



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-hend would be one of the great-  
 est disadvantages attending the  
 general admission of others than  
 Students at Law inasmuch as  
 it would prevent that acuteness of  
 argument and correct decision  
 which all Law questions demand  
 It may be answered that this  
 would be overbalanced by the  
 instruction which would be  
 gained by a larger number and  
 perhaps of those more qualifi-  
 -ed delivering their opinions on  
 the subjects of general disquisi-  
 -tion. But this argument must  
 fall to the ground when it is  
 considered that history, the  
 belles lettres, mathematics &c  
 are to be acquired by ordinary  
 application by any individual  
 but the study of the Law is o-  
 -therwise, it is confined to a  
 particular class of men by them  
 alone capable of being taught  
 and by them alone followed.  
 2^{ndly} I think that the admis-  
 -sion of all who from their cha-  
 -racter or situation would (should



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your Society adopt the resolution) be in this case perhaps admissible would eventually form a majority of others than Students at Law. —

3^{dly} I do not deny that such admission would make the discussions on general theses more interesting and consequently more useful as respects those general topics, but this danger is to be apprehended that if a majority of others than Students should creep in, they would eventually do away with the principal object for which your Society was formed. —

4^{thly} I find I have inadvertently answered this question in my reply to the first query proposed. —

5^{thly} I give it as my decided opinion that a general admission of others than Students at Law would be disadvantageous to your Society. It is however in all Societies composed and founded like yours, generally the custom to vote that a number of honorary members be elected who shall debate and vote in all questions discussed but in



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no other. I would therefore with your permission strongly recommend to the Advocate Society the propriety of admitting a certain number of honorary members, who when present should debate and vote on the question to be discussed, reserving all the internal concerns of the Society to be disposed of by yourselves. I am the more anxious that your exertions should be attended with success to you all and individually, from knowing the intense anxiety your original founder had for its welfare. I knew him well and intimately and know that his recommendations are worth attending to both from ability to give and from his goodness of heart. I trust your Society will forgive this digression in favour of an old and sincere friend and one whose whole heart was set upon this his favourite plan.

I am Sir,

Your most obedt



In the 2nd & 3^d years of the Society.

Sewb

(Signed) S Washburn  
 Mr. Richard Robison  
 &c &c &c

(G)

York 15 March 1823

Sir,

I have perused your letter of yesterday's date with the accompanying papers and shall feel the greatest pleasure in answering the proposed queries to the best of my judgment.

When I reflect that the institution in question was formed solely by the young gentlemen studying the Law with a view mainly to their advancement in that particular profession, I am not disposed to recommend a deviation from that first and most important object, for the promotion of other less desirable ends. In reply to your first question therefore I answer that in my opinion the admission of others than Students at Law so far from adding spirit or vigour to the



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Society, as concerns its ostensible and prime object, would tend to weaken its energies in that respect by withdrawing that uniform attention to professional matters so essential to the progress of its members and their advancement in those branches of knowledge more peculiarly useful and directing the minds of all to other pursuits more congenial to those unconnected with the Law, but much less beneficial to those who have adopted it.

In answer to your second question it appears to me your Society would soon be composed of a majority of members foreign to the profession through whose means the whole controul would be taken out of the hands of the Students, and the Society be altogether changed if not totally subverted. I do not conceive such a consequence to be merely possible but very probable, for the Law could afford no charms for them, wherefore they would naturally be led rather to discourage



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than support its predominance the leading business would tend to points of general literature and the Law department be driven to act a detached and subordinate part.

As to the third query, doubtless the contemplated change would render the discussions (upon general subjects) more agreeable and interesting, but that they would therefore be more useful I cannot admit. One great evil to be dreaded from an indiscriminate assembly, such as is proposed, would be the abandonment of legal discussions by far the most useful important and desirable to the lovers of the profession, in favour of promiscuous topics alone agreeable to or indeed comprehensible by the new comers, and a consequent failure of those ends which the institution was established to promote.

My reply to former queries necessarily anticipates in some measure my answer to the fourth. As far as the Law is concerned



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I think the scheme would be ruinous; it might certainly tend to embellish the minds of the Students in some measure, and extend the range of their enquiry and information in the more ornamental parts of the belles lettres, but I fear the pleasantness of the pursuit would wear them too much from that relish for persevering close and solid application essential to the abstract study of the Law and which alone can ensure them eminence in future life or indeed fit them to act well even a respectable or reputable part. Besides I apprehend that so numerous an assembly of young men as the new system would in all probability produce might be apt to lead to confusion disorder or uproar and so shut the door against all decorum or improvement, if it did not cause the destruction of the Society itself. Upon the whole therefore, you already have my answer to your fifth and last question, as I decided



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- ly disapprove of any change autho-  
- rising the general admission of others  
than students at Law. — — —

It might be worthy of considera-  
- tion how far in particular cases  
the admission of particular indi-

- viduals as honorary members —  
might be permitted, but even —  
then I would strongly recommend  
the indulgence being confined —  
solely to the learned professions.

Of course as long as your discus-  
- sions are confined exclusively to  
- matters of Jurisprudence, none  
but students at Law could feel  
a desire to enter into your associ-  
- ation, but if the introduction  
of more general theses should  
be thought advisable as calcu-  
- lated to afford recreation from  
more arduous pursuits to enlarge  
the mind and enlighten the un-  
- derstanding then others might  
- desire to participate in the latter  
benefits, though if adopted I —  
would have the change entered  
upon with caution, be well —  
guarded in its progress and con-



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-fined by the strictest rules with-  
-in a particular field and to par-  
-ticular periods; and I certainly  
would not admit to the honours  
and advantages any but such  
youth as might be actually en-  
-gaged in the study of some one  
of the learned professions.

With the sincerest good wishes  
for the prosperity of your Socie-  
-ty collectively and of its mem-  
-bers individually, believe me to  
be,

your very faithful serv^t  
(Signed) J B Macaulay  
Mr. Richd Robison  
Chairman, - - -  
Ec Ec Ec. - - -

Pursuant to the order of the day, the So-  
-ciety went into the consideration  
of the report of the select Committee  
to take into consideration the ex-  
-pedient of admitting others than  
Students at Law.

Mr. Richardson seconded by Mr. Ro-  
-bison moves that the Society do  
-now resolve itself into a commit-



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-tee of the whole on the report of the  
select committee to take into con-  
sideration the expediency of ad-  
mitting others than Students at  
Law.

Which was ordered.

Mr. Henry Baldwin was called to  
the chair.

The Society resumed.

Mr. Henry Baldwin reported that  
the ^{Committee} had agreed to certain resolu-  
-ons which he was directed to sub-  
-mit for the adoption of the Society.

Ordered that the report be received,

And it was,

Resolved that the report of the Select  
Committee to take into conside-  
-ration the expediency of admit-  
-ting others than Students at law  
as members of this Society be adopt-  
ed.

Resolved that the thanks of the Socie-  
-ty be given to Messieurs Robison  
Baldwin and Smith for the  
distinguished ability and discre-  
-tion manifested by them in  
considering the expediency of ad-  
-mitting others than Students at



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Law as members of the Society, which was referred to their consideration, and also for the trouble which they have taken in order to procure authentic opinions relative to the measure.

Resolved that a copy of the foregoing resolution be presented to the said Messieurs Robison Baldwin and Smith by the Bench-er.

Mr Baldwin seconded by Mr. Robison moves that the resolution for extending the benefits of this Institution to others than Students at Law be approved conditionally for the first time. Which was lost.

Mr. Robison seconded by Mr. Baldwin moves that it be resolved that the thanks of the Society be presented to those Gentlemen of the Bar who have so politely assisted the Select Committee on the expediency of admitting others than Students at Law with their advice, thereby enabling to make a more satisfactory



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ry reports, and that Mr. Bencher  
do communicate the same to them

Which was ordered.

Mr. Richardson gives notice that he  
will on the first day of next term  
move a certain resolution rela-  
tive to the expediency of admit-  
ting others than Students at Law  
as members of this Society.

At eight of the Clock the Society ad-  
-journed *Sine die*.

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