

# SUFFOLK COUNTY BAR BOOK.

1770—1805.

**With Introduction and Notes**

BY

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## SUFFOLK COUNTY BAR BOOK.

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At the stated meeting of the Massachusetts Historical Society, held in Boston, Dec. 8, 1881, Mr. DEXTER communicated for publication a record-book of the Suffolk Bar preserved in the Society's collection of manuscripts, and presented the following introductory remarks : —

Governor Washburn, in his *Judicial History of Massachusetts*, says that many years passed from the time of the settlement of the country before any thing like a distinct class of attorneys-at-law existed. He thinks, indeed, that there was no regularly educated lawyer who practised his profession here during the colonial period of our history. Thomas Lechford, who had received a legal training in England, was here only three years, and met with no success in his profession. There were men among the rulers, probably, who had been bred to the law, as Winthrop, Bellingham, and others, before the migration from their native country, but these magistrates did not appear in the courts as advocates of causes. They were judges, not lawyers. The parties in cases appeared at first in person, and spoke "themselves for the most part, and some of the Magistrates where they thinke cause requireth, doe the part of Advocates without fee or reward." \* The lawyers who appeared later for the suitors were not educated to their profession. The best known, perhaps, were John Coggan, who was a merchant, Amos Richardson, who was a tailor, and Benjamin Bullivant, who was a physician and apothecary.

In 1692 a special court was created for the witchcraft trials. The attorney-general of this court, Anthony Checkley, was a merchant. He had, indeed, been sworn an attorney in 1686,

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\* Lechford's *Plaine Dealing*, in 3 *Mass. Hist. Coll.*, vol. iii. p. 86.

and his name appears many times in that capacity in the courts, but he had also continued his business as a merchant.\* Even the judges of this court, although prominent men, had received no legal education. They were, or had been, clergymen, physicians, and merchants.† The elder Judge Lynde was one of the earliest properly educated lawyers in the province, as he was the first trained lawyer appointed to the bench. Graduating from Harvard College in 1686, he went to London six years afterward, where he entered the Middle Temple as a student of law. He was called to the bar in 1697, and returned at once to this country with the commission of King's Advocate in the new Court of Admiralty in New England. In 1712 he was appointed a judge of the Superior Court of the Province, and became its chief justice in 1728.

Attorneys were in time recognized as officers of the court, and by an act passed June 20, 1701, a form of oath of office was prescribed to be administered to them on their admittance. This form of oath was re-enacted in 1785, after the adoption of the State constitution, and, with slight alterations, stands on the statute book to-day. By one of the provisions of an act passed in 1708, a party in any case was prohibited from employing more than two lawyers, and no attorney was allowed to refuse his services if the legal fee was tendered. This act was to continue in force for three years. It was given a new life of three years more in 1711, and at the expiration of that time the act was made perpetual. The same provision, limiting the number of lawyers to be employed, appears in the act of 1785, chapter 23, regulating the admission of attorneys. In 1789 an explanatory act was passed by which the principle that citizens could appear to prosecute and defend their own suits in person, or use the services of any person of decent and good moral character, was reaffirmed. These acts were repealed by the Revised Statutes in 1836, which provided, chapter 88, § 26, that parties may appear in person or by attorney, but that no more than two persons for each party shall, without permission of the court, be allowed to manage any case therein. The same provision stands in the General Statutes.

There seems to have been no regular time of study prescribed as requisite for admission to the bar. The earliest reference I have found to this matter is an entry in the diary of Judge Lynde, under date of Aug. 4, 1718: "My son

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\* Washburn's Judicial History, p. 204.

† *Ibid.*, pp. 145-148.

Benjamin went to his uncle, Colo. S. Browne, for 3 years." This was presumably for the purpose of preparing for his profession, but the father, having himself received a special legal education, may have required more than the ordinary professional training for his son.\* John Adams, who was admitted an attorney Nov. 2, 1758, had studied with Mr. Putnam of Worcester very little more than two years, and had taught a school there at the same time that he pursued his legal studies. The attempt to pursue two callings at once, as will appear from these records, was subsequently frowned upon by the profession. The custom of requiring three years' preliminary study was adopted, Governor Washburn says, at the recommendation of the Essex Bar, just before the Revolution.† I am inclined to place the date somewhat earlier. These records show action by the bar on the subject as early as 1769, and John Adams speaks of "new rules" in 1761.‡

The distinction between barristers and attorneys was maintained for many years, and rules for the admission to the higher grade of the profession will be found in these records. In an interesting paper published in the Historical and Genealogical Register for April, 1877, at pages 206-208, Mr. Arthur M. Alger claims for Thomas Newton the honor of establishing the difference of grade in the profession in this country. Newton was born and educated in England, came over in 1688, and was the first barrister in New England. He became attorney-general and one of the deputy judges of the Court of Admiralty. "To his influence," Mr. Alger says, "may be attributed the introduction of the title of barrister, and the subsequent adoption of the distinction between barristers and attorneys."

The earliest rule of the court recognizing this distinction in the legal profession was made probably about 1761. John Adams writes in his diary of that year, "Brother [Samuel] Quincy and I were sworn before the Superior Court."§ In Mr. Josiah Quincy, Jr.'s, "Reports of Cases," published for the first time in 1865, at page 35, is a memorandum of the names of the attorneys, including those of Adams and Quincy, called by the court in 1761 to be barristers-at-law. They appeared in their habits, black gowns, bands, and tie-wigs. Late in life Mr. Adams, writing to William Tudor, who had been a pupil in his office before the Revolution, inti-

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\* Lynde Diaries, *privately printed*, Boston, 1881, p. 6.

† Washburn's Judicial History, p. 189.

‡ Life and Works, vol. ii. p. 133.

§ *Ibid.*

mates that Hutchinson made this rule.\* One of the new rules was that none below the grade of barrister should argue cases in the Superior Court. This rule was not always enforced. Mr. Quincy notes, in his "Reports" just cited: "At the last sitting of the Superiour Court in Charlestown I argued (for the first time in this Court) to the Jury, though not admitted to the Gown: The Legality and Propriety of which some have pretended to doubt; but as no Scruples of that Kind disturbed me, I proceeded (maugre any) at this Court to manage all my own Business (for the first Time in this County), though unsanctified and uninspired by the Pomp and Magic of — the Long Robe." † His son, the late President Quincy, states, in his biography of his father (page 20), that Josiah Quincy, Jr., had been passed over by the Superior Court in the distribution of honors due to his rank and standing at the bar, and omitted in the calling of barristers, because his political opinions made him obnoxious to the court. One of the early entries in this Bar Book, that dated first Wednesday in October, 1770, shows the recommendation of Mr. Quincy, apparently in due course. And President Adams, noting in his diary, July 28, 1766, the bar meeting "for the admission of three young gentlemen, — Mr. Oliver, Mr. Quincy, and Mr. Blowers," consoles himself for the "swarming and multiplying" of lawyers by the reflection that four years must elapse before these young gentlemen can assume the gown, the bar having at last introduced a regular progress to that honor, seven years being the state of probation.‡ It is more probable that Mr. Quincy was willing to test the legality of one at least of the court's new rules. The seven years were divided, — three of preliminary study, two of practice as attorney at the Inferior Court, and two of the same grade at the higher court.

There is no meeting of the bar recorded in this book between July, 1774, and the same month of 1778. The Revolution had begun, and the courts were suspended for over a year. Boston was a garrison, and no session of the reorganized Superior Court was held there until February, 1777.

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\* I pass over that scenery, which he [Hutchinson] introduced, so showy and so shallow, so theatrical and so ecclesiastical, of scarlet and sable robes, of broad bands and enormous tie-wigs, more resembling fleeces of painted merino wool than any thing natural to man and that could breathe with him. I pass over, also, the question whether he or his court had legal authority to establish a distinction between barristers and attorneys. Innovations, though often necessary, are always dangerous. — *Ibid.*, vol. x. p. 233.

† Quincy's Reports, p. 317.

‡ Life and Works, vol. ii. p. 197.

The constitution of the State was adopted in 1780, and two years later the act of July 3, 1782, established the Supreme Judicial Court, and gave that court power to make rules and regulations for the admission of attorneys and the creation of barristers. In 1783 the form of a writ for the calling of barristers was prescribed, and the seniority of these gentlemen was determined by the date of their writs.\* The fee for admission as a barrister was placed at forty dollars by a provision of an act passed Nov. 4, 1785.

The decisions of the Supreme Judicial Court began to be regularly reported in 1805. In the second volume of the "Massachusetts Reports," at pages 72-75, at the close of the March term for Suffolk, 1806, the *regulæ generales* of the court are printed. In these rules the word counsellor is used as the equivalent of barrister,—“counsellors or barristers,”—but the distinction between them and attorneys is maintained. The latter must practise two years in the court before applying for the higher grade. Examiners were appointed to ascertain the fitness of candidates; those for Suffolk were Parsons, Gore, Dexter, Otis, William Sullivan, and Charles Jackson. A small educational amendment was made in September of the same year. A year later, 1807, at the September term for Berkshire County, a new rule appears, allowing persons proposed for admission before the adoption of the rules of March, 1806, to come in under the old method. A memorandum added shows that Mr. Otis had declined his appointment as examiner, and that Joseph Hall and Francis Dana Channing were named examiners for Suffolk. At the March term for Suffolk, 1810, we find that the old rules having proved inadequate, new ones, so far as they relate to the admission of counsellors and attorneys, were adopted.† The word barrister is not used in these new rules, counsellor taking its place. The distinction of classes is still retained. It was finally abolished by the Revised Statutes of 1836.

There was an earlier association of the bar of Suffolk County than that whose records are here printed. This appears in the account of the first meeting recorded in this book, where the Secretary is directed to wait upon Judge Auchmuty and ask him for the records of the earlier society. And it was this earlier society, I think, that Mr. Adams had

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\* Historical and Genealogical Register, 1877, p. 207. Mr. Alger quotes there an interesting account from the "Massachusetts Gazette" of Feb. 17, 1784, of the admission of barristers, with the charge to them delivered by Chief Justice Cushing. He says that this was the last occasion of conferring the degree.

† 6 Mass. Reports, pp. 382-385.

in his mind when he wrote in his autobiography of the changes in the courts and the bar brought about by meetings of the profession. He relates this anecdote: "Mr. Pratt was so delighted with these meetings and their effects, that when we all waited on him to Dedham, in his way to New York to take his seat as chief justice of that State, when we took leave of him, after dinner, the last words he said to us were: 'Brethren, above all things, forsake not the assembling of yourselves together.'" \* Benjamin Pratt was appointed Chief Justice of New York in 1761.

This manuscript is a small quarto book of about one hundred and seventy-five pages, of which one hundred and thirty-eight are written upon. It is bound in faded calf, and in the centre of the front cover a piece of red morocco leather is inserted, with the inscription: "Bar Book, Suffolk County, 1770." It is not certainly known when or from whom the Society obtained it, but there is great probability that it was given in 1841 by the Hon. James T. Austin. The records of the April meeting of that year show a donation from that gentleman. The Librarian's accession book shows that on April 29 (the day of the meeting) Mr. Austin gave "Rules agreed to by the Barristers and Attorneys of County of Essex, March term, 1768, and other matters, a manuscript volume." The entry is in the handwriting of the Rev. Dr. Harris, then Librarian of the Society. A diligent search of the Library now fails to bring to light any manuscript with the title above cited; but the sixth page of this volume is headed in large writing, with the words used in Dr. Harris's description of Mr. Austin's gift, "Rules agreed to," &c. It seems probable that this page caught his eye when he received the volume, and that he made no further examination. But it is very strange that the morocco leather title on the outside cover escaped him. This has the appearance of having been placed upon the book about the time the records were begun.

Boston, January 3, 1770. Wednesday evening. The gentlemen of the bar met at Mr. Ingersoll's,† viz., Benjamin Kent, James Otis, Samuel Fitch, William Reed, Samuel Swift, Samuel Quincy, John Adams, Andrew Cazneau, and Daniel Leonard, Esquires, Barristers; and Francis Dana, Josiah Quincy, and Sampson Blowers, Attorneys; and *Voted*

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\* Life and Works of John Adams, vol. ii. p. 58 n.

† The Bunch of Grapes Tavern, at the corner of State and Kilby Streets.



1. That the barristers and attorneys at the Superior Court belonging to this and the neighboring towns will form themselves into a Society or law club, to meet at Mr. Ingersoll's on the evening of the first Wednesday of every month for the year ensuing.

2. That the eldest barrister present preside for the evening, and if no barrister be present the eldest attorney; and that Mr. Kent \* accordingly take his place for this evening as the eldest barrister.

3. That a secretary be chosen to record all votes and transactions of this Society, who accordingly proceeded to make choice of a person for that purpose by written votes, and John Adams, Esq., was declared by the President to be chosen.

4. That the Secretary wait on Judge Auchmuty, and request of him the records of a former society of the bar in this county, and invite him to meet with this Society for the future if he thinks fit.

5. That the transactions of this Society be kept secret from all persons, except barristers and attorneys of the Superior Court, upon pain of the displeasure of this Society, and such censure as they shall judge proper to inflict.

1770, February 7. The gentlemen of the bar again met, but on account of the absence of a great number agreed to proceed to no business.

1770, March 7. A thin meeting, and therefore agreed to proceed to no business, excepting to appoint a committee to prepare a draft of a circular letter to be sent to the other counties of the province, to invite the concurrence and assistance of the barristers and attorneys through the province; and Josiah Quincy, Esq., was directed to prepare such a letter, and report.

1770, April 4. Josiah Quincy, Esq., reported a letter to the gentlemen of the profession in the other counties, and it was ordered to be filed with the Secretary for further consideration.

1770. First Wednesday in October. A motion was made that Messrs. Francis Dana, Josiah Quincy, and Sampson Salter Blowers be recommended to the Superior Court to be admitted as barristers, they having studied and practised the usual time; and after consideration and debate, *Voted* unanimously, That those gentlemen be recommended accordingly.

1770, November 21. Wednesday evening. At a meeting of the bar at Mr. Ingersoll's, present, Dana, Kent, Swift, Paine, Cushing, S. Quincy, Adams, J. Quincy, Blowers, and Mr. Fitch.

A motion was made by Mr. Samuel Sewall † that he might be recommended to the Superior Court, to be admitted to the oath of an attorney at that court, and produced a certificate from the clerk of the

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\* Benjamin Kent had graduated from Harvard College in 1727, and had been settled as a clergyman before he studied law. He has been classed among the Loyalists, and Mr. Sabine retains his name in his second edition. From these records it appears that he was present at nearly every bar meeting until April 20, 1784, when his name occurs for the last time in the list of gentlemen present. He died at Halifax in 1788, at the advanced age of eighty-one.

† Great-grandson of the chief justice; a refugee, died in England in 1811.

Inferior Court that he was admitted an attorney-at-law and took the oaths the first Tuesday of January, A.D. 1767. After consideration and debate, *Voted* unanimously, That Mr. S. Sewall be recommended to the Superior Court accordingly.

1770, December 1. Wednesday. At a meeting of the bar a letter from the gentlemen of Essex was communicated, and Mr. R. Dana, Mr. Fitch, and Mr. Adams were appointed a committee to take it into consideration and report.

1771, January 2. Wednesday evening. At a meeting of the bar at Mr. Ingersoll's, present, Mr. Kent, Mr. Swift, Mr. Gridley,\* Mr. Quincy, Mr. Cazneau, Mr. J. Quincy, Mr. Blowers, Mr. F. Dana.

*Voted*, That whenever the defendant's counsel shall point out to the plaintiff's any defect in his writ or declaration, he shall have liberty to amend upon payment of six shillings before plea pleaded. But he will put the defendant's counsel to plead, and the writ or declaration is adjudged insufficient, he shall then pay eighteen shillings for the amendment in case an amendment is allowed him by the court and the defendant shall choose costs instead of an imparlance. This rule to extend only to such defects in writs and declarations as shall be owing to mistake or inadvertence, or other fault of the counsel who drew the writ or his clerk.

1771, February 6. Wednesday evening. Report of the committee accepted, and Richard Dana, Benjamin Kent, John Adams, Mr. Fitch, and Mr. J. Quincy be a committee to write a letter to the counties of Plymouth, Bristol, and Barnstable, and to Essex.

*Voted*, That Messrs. Hichborn, Tudor, Austin, and Bulkley are to be considered as having complied with the rules from the time of their beginning to live with Messrs. Otis, Adams, and Quincy.

*Rules agreed to by the Barristers and Attorneys of the County of Essex, March Term, 1768.*

1. It is agreed by the barristers and attorneys of this county that where any writ or declaration shall be found by judgment of court, or otherwise, to be abatable, bad, or insufficient, the plaintiff have liberty before a verdict, to amend the same on his payment of costs to the defendant, or granting him a continuance at the defendant's election. This rule not to extend to any writ, but such as are drawn by some regularly admitted and sworn attorney.

2. The gentlemen of the bar of the county of Essex esteeming it detrimental to the public, that persons not regularly admitted and sworn as attorneys should receive the countenance of the barristers and attorneys who are of this county and are regular practisers, agreed unanimously that they will not enter, argue, or in any manner assist in the prosecution of actions brought by such persons without the consent of the bar.

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\* See "Life and Works of John Adams," vol. ii. pp. 221-223.

5. It is agreed that we will not take any young gentleman to study with us, without previously having the consent of the bar of this county; that we will not recommend any persons to be admitted to the Inferior Court, as attorneys, who have not studied with some barrister three years at least, nor as attorneys to the Superior Court, who have not studied as aforesaid, and been admitted at the Inferior Court, two years at least, nor recommend them as barristers till they have been through the preceding degrees and been attorneys at the Superior Court two years at the least,—except those gentlemen who are already admitted in this county as attorneys at the Superior and Inferior Courts, and that these must be subject to this rule so far as is yet to come.

8. It being reasonable that we should have an allowance for receiving and paying moneys on the securities put into our hands by our clients, it is proposed the same shall be as follows; viz.:—

For every sum above forty shillings and under five pounds, three shillings; above five pounds and under ten pounds, six shillings; above ten pounds and under twenty pounds, nine shillings; for every pound above twenty pounds, fourpence.\*

*Additions by the Bar of Suffolk.*

To the 5th rule: That the consent of the bar shall not be taken but at a general meeting of the bar for the county, and shall not be given to any young gentleman who has not had an education at college, or a liberal education equivalent in the judgment of the bar.

To the 8th: And in case of receiving moneys for persons out of the province, remitted to them, five per cent for receiving and paying.

To the 5th, this amendment: That any young gentleman, who shall have studied with an attorney who shall have been recommended by the bar to the court to be a barrister, shall have the same privileges with those who have studied with gentlemen who have been admitted by the court to be barristers.

1771, May. First Wednesday. At a general monthly meeting of the bar for the county of Suffolk. On a motion made by Mr. Adams that he might have the consent of the bar to take Mr. Elisha Thayer, son of Ebenezer Thayer, Esq., of Braintree, a young gentleman educated at Harvard College, as a clerk; after consideration, *Voted* unanimously, That Mr. Adams have the consent of the bar.

On a motion made by Mr. J. Quincy, *Voted*, That Mr. Dana, Mr. Kent, Mr. Otis, Mr. Adams, and Mr. J. Quincy be a committee to prepare and forward the letters to the counties of Plymouth, Bristol, and Barnstable which were voted to be sent the 6th of February last; and also to write to every county in the province, to invite the

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\* There are no gaps in the manuscript. Only certain rules of the Essex Bar are copied. At the top of the page on which section 5 stands, are the words, "At Newbury Port, Sept. Term, 1769."

barristers and attorneys at the Superior Court, through the province to meet at the house of Colonel Ingersoll, King Street, Boston, on some day in Commencement week next, to consult and advise together concerning the general affairs of the profession through the province and to dine together.

1772, July —. Monday evening. On a motion made by Mr. Fitch *Voted* unanimously, That Mr. Benjamin Hichborn be recommended to the Inferior Court to be sworn as an attorney.

On a motion made by Mr. Adams, *Voted* unanimously, That Mr. William Tudor and Mr. Jonathan Williams Austin be recommended to the court to be sworn as attorneys.

On a motion made by Mr. Josiah Quincy, *Voted* unanimously, That Mr. Bulkley be recommended in the same manner.

On a motion made by Mr. Samuel Quincy, *Voted* unanimously, That Mr. Quincy be allowed to take into his office Mr. Edward Walker and that his time of three years' study be computed from the last fast day.

On a motion made by Mr. Samuel Quincy that he should have the consent of the bar to take into his office Mr. Lithgow,\* son of Colonel Lithgow, of George Town, *Voted* unanimously in the negative, not appearing that the gentleman is qualified in point of education according to the rules of the bar.

On a motion made by Mr. Josiah Quincy, *Voted* unanimously, That Mr. Quincy be permitted to take into his office Mr. Thomas Edwards as a clerk.

1773, February. Wednesday evening, 24th of the month. At a meeting, on a motion made by Mr. Adams, *Voted* unanimously, That the attendance of Mr. Elisha Thayer at Mr. Adams's office in Boston for the remaining part of Mr. Thayer's three years be dispensed with under the peculiar circumstances of his case, but not to be drawn into precedent.† And that Mr. Thayer be recommended to be sworn at the end of his three years, notwithstanding his having the care of a private school at Braintree for one half of it.

*Voted*, also unanimously, That Mr. Nathaniel Coffin be recommended to the Superior Court to be sworn as an attorney, he having practised two years at the Inferior Court last October.

1772, September 3. At a meeting of the gentlemen of the bar Mr. Ingersoll's, present, Mr. Kent, Mr. Otis, Mr. Fitch, Mr. Benjamin Gridley, Mr. S. Quincy, Mr. R. T. Paine, Mr. J. Quincy; a motion was made by Mr. Adams, and it was thereupon *Voted* unanimously That Mr. Adams have the consent of the bar to take into his office Mr. Jonathan Williams, son of Mr. John Williams the Inspector General, as a clerk, Mr. Williams having a fair moral character and a liberal education at Harvard College.

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\* This is probably the William Lithgow who, after serving with credit in the Revolution, was admitted to the bar and rose to be district attorney of Maine. He was also a major general of the militia, and a member of the Massachusetts Senate from the District of Maine.

† Thayer is starred in the Triennial Catalogue as dying in 1774.

1772, October 21. At a meeting of the bar at Ingersoll's, present, Mr. Otis, Mr. Fitch, Mr. Swift, Mr. Gridley, Mr. Adams, Colonel Daniel Leonard, Mr. Cazneau, Mr. Blowers; a motion was made by Mr. Adams for consent to take Mr. Edward Hill, son of Mr. Alexander Hill of Boston, as a clerk, and it was thereupon *Voted* unanimously, That Mr. Adams have consent, Mr. Hill having received an education at Harvard College, and having a fair character.

1774, January 12. On a motion made by Mr. S. Quincy, *Voted* unanimously, That Mr. Increase Sumner\* be recommended to the Inferior Court this January term for the oath of an attorney, Mr. Sumner having complied with the rules of the bar.

On a motion made by Mr. Adams, *Voted* unanimously, That Mr. Adams have the consent of the bar to take into his office Mr. John Trumbull† as a clerk, his three years to be computed from the 1st of December, A.D. 1773.

On a motion made by Mr. Blowers, *Voted* unanimously, That Mr. Blowers have the consent of the bar to take into his office Mr. Nathaniel Battle as a clerk.

1774, July 26. On a motion made and seconded, *Voted* unanimously, That Mr. Benjamin Hichborn, Mr. William Tudor, Mr. Jonathan Williams Austin, and Mr. John Bulkley be recommended to the Superior Court in August term next, to be admitted to the oath of attorneys of that court.

On a motion made by Mr. Josiah Quincy, *Voted* unanimously, That Mr. Perez Morton be recommended to the Inferior Court of Common Pleas to-morrow, to be admitted to the oath of an attorney of that court.

On a motion made by Mr. Adams, *Voted* unanimously, That Mr. Adams have liberty to take into his office Mr. Nathan Rice and Mr. John Thaxter as clerks.

On a motion made by Mr. Josiah Quincy, *Voted* unanimously, That Mr. Quincy have liberty to take into his office Mr. Joshua Thomas and Mr. Jonathan Mason as clerks; Mr. Mason's term to be computed from the time he shall come into Mr. Quincy's office, as he is not yet graduated at college.‡

1778, July 21. At a meeting of the following gentlemen of the

\* Afterward Governor of the Commonwealth. A memoir of him, prepared by his son, General W. H. Sumner, was published in the "Historical and Genealogical Register" for April, 1854. It is there stated that he was admitted to the bar in 1770, which is an error.

† This must be Colonel Trumbull the painter, although he does not speak of the matter in his autobiography, and perhaps never really entered Mr. Adams's office. He graduated at Cambridge in 1773, and was at this time teaching school at Lebanon, Conn.

‡ Joshua Thomas was probably the graduate of 1772. He went into the military service in 1775, and afterward was the president of the Plymouth County Bar. There is a memoir of him in 2 Mass. Hist. Coll., vol. x. pp. 1-6. Jonathan Mason graduated at New Jersey College this year, and became a prominent man in Boston. He represented Massachusetts in Congress as Senator, and, later, in the House of Representatives.

bar for the county of Suffolk at the new Court-house,\* present, Mr. Kent, Mr. Lowell, Mr. Tudor, Mr. Morton, Mr. Sumner. *Voted*:—

1. That Mr. Tudor be secretary to record the votes and transactions of the bar.

2. On motion made by Mr. Lowell, *Voted* unanimously, That Mr. Daniel Newcomb be considered as having regularly studied the law since the month of September, 1775, and that he be entitled to the privileges of a student accordingly.

3. On motion from Mr. Lowell, *Voted* unanimously, That Mr. Christopher Gore be considered as having studied the law according to the rules of the bar, since the month of July, 1776, and that he be entitled to the privileges of such a student.

4. On motion from Mr. Morton, *Voted* unanimously, That Samuel Dogget be considered as having complied with the rules of a law student from March 4, 1777, and be entitled to the privileges of a student accordingly.

5. On motion by Mr. Tudor, *Voted* unanimously, That Mr. Henry Goodwin be considered as a student in Mr. Tudor's office from July 1778, and be entitled to all the advantages of such a student.

6. On motion by Mr. Lowell, *Voted*, unanimously, That Mr. Rufus Amory be admitted as a clerk to Mr. Lowell, and be entitled to the advantages of the bar accordingly.†

7. On motion by Mr. Tudor that Mr. Fisher Ames might be considered as a student with him from last April, and that he might be permitted to prosecute his studies at Dedham, after debate, it appearing a bad precedent, *Voted*, That a further consideration of the motion be adjourned to next bar meeting.

1779, December 3. At a meeting of the bar at the new Court-house, present, Mr. Bradbury, Mr. Kent, Mr. Lowell, Mr. Tudor, Mr. Parsons, Mr. Morton, Mr. Wetmore. Upon motion made by Mr. Morton, *Voted* unanimously, That Mr. Jonathan Mason be recommended to the Superior Court to be admitted as an attorney of said court.

\* The last term of the Superior Court was held in September, 1774. The courts were dissolved by the act passed in August, 1775, by which the commissions of the several officers of the province, civil and military, were annulled after September 19 of that year. An attempt was made the following month to reorganize the Superior Court, but it was not until March 20, 1776, that the judges were commissioned. The first court seems to have been held in Essex County in June of that year. Boston was still in the possession of the British army when, in February, 1776, the General Court passed an act altering the place for holding the courts of Suffolk from Boston to Braintree and Dedham, and making the latter the shire town. The first court was held at Braintree in September. The first term held in Boston after the siege was February, 1777. See Washburn's "Judicial History," pp. 164-166; and the note in Quincy's "Reports," p. 340.

The new Court-house was built about 1768. Josiah Quincy, Jr., notes in his "Reports," p. 306, that the March term, 1769, was the first court held in the new Court-house.

† At the foot of the page, in another handwriting: "[Thos. Dawes approved as a student, see p. 22.]" See the next page.

Upon motion made by Mr. Tudor, that Mr. Fisher Ames might be considered as a student with him from April, 1778, although he had during that time pursued his studies at Dedham, after consideration and debate, *Voted*, That Mr. Ames be considered as a law student from the first day of January, 1779, only (this indulgence allowed from some particular circumstances in his favor), and that at the expiration of three years from that day, he continuing in Mr. Tudor's office for the future, he be recommended to be sworn only on condition that he submit to an examination by the bar, particularly in the practical business of the profession.

1780, April 29. At a meeting of the bar at Brother Hichborn's office, present, Mr. Kent, Mr. Lowell, Mr. Hichborn, Mr. Tudor, Mr. Morton, Mr. Keith, and Mr. Mason.

Upon motion made by Mr. Morton, *Voted*, That Mr. Samuel Dogget be recommended to the Inferior Court of Common Pleas this day, to be admitted to the oath of an attorney of that court.

*Voted* unanimously, That in future all the gentlemen of the bar who shall be in town be requested to meet on the first day on which the Inferior Court shall do jury business at each term in January, April, July, and October, at such place and hour as the Secretary shall appoint, who shall send notice accordingly.

1780, July 18. At a meeting of the bar at the new Court-house, present, Mr. Kent, Mr. Lowell, Mr. Hichborn, Mr. Tudor, Mr. Morton, and Mr. Mason.

Upon motion of Mr. Hichborn, *Voted*, That Mr. Royal Tyler\* be recommended to the Inferior Court of Common Pleas, to be admitted to the oath of an attorney at that court.

Upon motion by Mr. Lowell, *Voted* unanimously, That Mr. Thomas Dawes be recommended to the Inferior Court of Common Pleas, to be admitted to the oath of an attorney at that court, he having regularly studied three years in Mr. Lowell's office. (A memorandum of the time of his admission as a law student should have been made under the records of the bar meeting of July 21, 1778, but was forgot.)

Upon motion made by Mr. Tudor, *Voted* unanimously, That Mr. George R. Minot be considered as a law student in Mr. Tudor's office from Nov. 8, 1778, and be entitled to all privileges accordingly.

1780, July 22. At a meeting of the bar at the new Court-house, present, Mr. Kent, Mr. Lowell, Mr. Hichborn, Mr. Tudor, Mr. Morton, Mr. Mason, Mr. Keith.

Upon motion made by Mr. Hichborn, *Voted* unanimously, That Mr. James Hughes be recommended this day to the Inferior Court of Common Pleas to be admitted to the oath of an attorney at that court, he having studied for four years with Mr. Hichborn, and having received a diploma from Harvard College.

1780, October 10. Tuesday evening. At a meeting of the bar at Mr. Tudor's office, present, Mr. Kent, Mr. Lowell, Mr. Hichborn, Mr. Tudor, Mr. Morton, Mr. Sumner, Mr. Mason, Mr. Robbins.†

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\* Afterward Chief Justice of the Supreme Court of Vermont.

† Edward H. Robbins, afterward Lieutenant-Governor of Massachusetts.

It is unanimously agreed that eighteen shillings at least, in cash or paper money equivalent, be taken for a writ having a coming declaration.

*Voted*, That no gentleman take a student into his office for a consideration than one hundred pounds sterling.

On motion made by Mr. Sumner, *Voted* unanimously, That Mr. Sumner have liberty to take into his office Mr. Peter Clarke an law student and clerk.

On motion from Mr. Lowell, *Voted* unanimously, That Mr. Benjamin Lincoln, having lived with Brother Lincoln at Worcester three months as a clerk, have permission to prosecute his studies for remaining six months in Mr. Lowell's office.

1781, April 17. Tuesday. At a meeting of the bar at Mr. Tudor's office, present, Mr. Kent, Mr. Lowell, Mr. Parsons, Mr. Tudor, Mr. Morton, Mr. Hunt, Mr. Keith, Mr. Mason.

It is unanimously agreed that Mr. Benjamin Lincoln, Jr., be recommended on Friday next to the Court of Common Pleas for admission to the oath of an attorney of that court.

It is also unanimously assented to that Mr. William Hunter Trens, of Charlestown, South Carolina, be considered as a law student in Mr. Lowell's office from Jan. 1, 1781.

1781, July 10. Tuesday. At a meeting of the bar at Mr. Hichborn's office, present, Mr. Kent, Mr. Paine, Mr. Hichborn, Mr. Tudor, Mr. Hunt, Mr. Morton, Mr. Keith, Mr. Mason.

On motion from Mr. Hichborn, *Voted* unanimously, That Mr. Jonathan Fay be recommended to the Court of Common Pleas for admission to the oath of an attorney of that court, he having fully complied with the rules of the bar necessary for such recommendation.

1781, July 17. Tuesday. At a meeting of the bar at the Court-house, present, Mr. Kent, Mr. Lowell, Mr. Hichborn, Mr. Tudor, Mr. Morton, Mr. Wetmore, Mr. Mason.

Upon motion from Mr. Lowell, *Voted* unanimously, That Mr. Edward Sohier be admitted into Mr. Lowell's office as a law student.

Upon motion by Mr. Hichborn, *Voted*, That Mr. Joseph Hall be admitted into his office as a law student.

1781, October 9. Tuesday. At a meeting of the bar at Mr. Tudor's office, present, Mr. Kent, Mr. Lowell, Mr. Hichborn, Mr. Tudor, Mr. Morton, Mr. Mason.

Upon motion of Mr. Tudor, *Voted* unanimously, after consultation and debate, That notwithstanding the vote of Dec. 3, 1779, respecting Mr. Fisher Ames, he be recommended to the Court of Common Pleas for the oath of an attorney of that court, in consideration of his having studied for four years and upwards, and his present state of health requiring a relaxation from all study; and in consideration of his cheerfully offering himself to an examination, and his moral, political, and literary character standing in the fairest point of view.

Upon motion from Mr. Lowell, *Voted* unanimously, That Mr. Richard Amory be recommended to the Common Pleas for the oath of attorney of that court, this young gentleman having amply complied



ch the rules necessary for such recommendation, and his conduct being unexceptionable.

*Voted* unanimously, That Mr. Lowell have the consent of the bar to take into his office Mr. Edward Wendell as a law student.

1781, November 14. Tuesday. At a meeting of the bar at Mr. Tudor's office, present, Mr. Kent, Mr. Paine, Mr. Lowell, Mr. Hichborn, Mr. Tudor, Mr. Wetmore, Mr. Mason.

Upon motion of Mr. Tudor, *Voted* unanimously, That Mr. George Minot be recommended to the Court of Common Pleas to-morrow to be admitted to the oath of an attorney of that court.

1782, July 23. Tuesday. At a meeting of the bar at the new Court-house, present, Messrs. Sullivan, Hichborn, Parsons, Tudor, Linn, Morton, Mason, Keith.

On motion of Mr. Sullivan, *Voted*, That he have the consent of the bar to take into his office Mr. David Leonard Barnes to finish his law course of reading, said Barnes having studied under Mr. Leonard for six years.

*Voted*, That the price of writs with common declarations be reduced to twelve shillings.

*Voted*, That a general meeting of all the gentlemen of the bar who shall be in town be held at the new Court-house in the afternoon of Wednesday, August 27, being first day of the term.

1783, July 11. At a meeting of the bar at the lobby of the Court of Common Pleas, present, Mr. Kent, the Attorney-General,\* Mr. Sullivan, Mr. Hichborn, Mr. Tudor, Mr. Morton, Mr. Keith, Mr. Robbins, Mr. Mason, Mr. Ames, Mr. Minot, Mr. B. Lincoln, Mr. Hughes.

On motion of Mr. Sullivan, *Voted*, That Mr. David Leonard Barnes be recommended to the oath of an attorney in the Court of Common Pleas.

*Voted* unanimously, and it is earnestly requested of all the members of the profession, That they meet at the lobby of the new Court-house in Boston on Friday, July 18, at 10 o'clock, on matters of interesting importance to the fraternity.

1783, July 30. At a meeting of the following gentlemen at the new Court-house, Mr. Kent, Mr. Paine, Mr. Sullivan, Mr. Lowell, Mr. Hichborn, Mr. Tudor, Mr. Morton, Mr. Mason, Mr. Gore, Mr. Ames.

1. Agreed that Mr. Edward Gray be considered as a student of law in Mr. Sullivan's office from July, 1782.

2. *Voted*, That John Brown Cotting be considered as entering on his study in Mr. Lowell's office from April term, 1783.

3. *Voted*, That Mr. Samuel Quincy, Jr., be considered as a law student in Mr. Gore's office from July term, 1783.

4. *Voted*, That Harrison Gray Otis be considered as a law student in Mr. Lowell's office from July term, 1783.

5. *Voted*, That there be a general bar meeting on the Saturday of the following month.

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\* Robert Treat Paine was attorney-general at this time.

first week of the next sessions of the Supreme Court at Colonel Ingersoll's house.

That Mr. Tudor be requested to invite, in the name of the bar, the Justices of the Supreme Court to dine at Colonel Ingersoll's on the aforementioned Saturday at four o'clock P. M.

That Mr. Lowell and Colonel Hichborn be requested to direct Colonel Ingersoll to provide the dinner on said Saturday.

It was voted last February term that Mr. Tyler be recommended to the Supreme Court to be admitted as an attorney of the court, and he was accordingly recommended.

1783, August 4. At a meeting of the bar at the new Court-house, present, Mr. Kent, the Attorney-General, Mr. Lowell, Mr. Sullivan, Mr. Hichborn, Mr. Tudor, Mr. Mason, Mr. Keith, Mr. Robbins.

On motion of Mr. Tudor, *Voted* unanimously, That he have the consent of the bar to take into his office Mr. John Rowe as a law student, to be considered as such from July term, 1783.

1783, August 30. Saturday. At a meeting of the bar at Colonel Ingersoll's, present, Mr. Kent, the Attorney-General, Mr. Lowell, Mr. Sullivan, Mr. Hichborn, Mr. Parsons, Mr. Tudor, Mr. Morton, Mr. Wetmore, Mr. Mason, Mr. Hunt, Mr. Gore, Mr. Hughes, Mr. Tucker.

1. Ruled, that no bar meeting for the purpose of establishing rules to be binding on the gentlemen of the bar of the three counties of Suffolk, Middlesex, and Essex, shall be holden, excepting at some fixed term of the Supreme Judicial Court in one of said counties.

2. That no such bar meeting shall be constituted unless there be five gentlemen present, and that all the gentlemen attending at the court be duly notified.

3. That all the doings of such bar meetings shall be certified by the acting secretary of such meeting to the next bar meeting in the county of Suffolk.

4. Ruled, that the sum to be paid by a student at law to his instructor in either of said counties in future shall be one hundred pounds, lawful money, at least.

5. That no gentleman in future shall have in his office more than three students at the same time.\*

6. On motion of Mr. Lowell, *Voted*, That Mr. Benjamin Lincoln be recommended to the Supreme Court to be admitted to the oath of an attorney of that court.

1783, October —. At a meeting of the following gentlemen, viz., Messrs. Kent, Hichborn, Tudor, Keith, Dawes, Gore, Hughes.

On motion of Mr. Hichborn, "that Mr. Richard Brook Roberts be admitted as a student in his office with a deduction of one year from

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\* It has been said that the jealousy of the bar at the number of students seeking Theophilus Parsons was the cause of this rule. See "Memoir of Chief Justice Parsons," p. 180. In General Sumner's Life of his father, Governor Increase Sumner, it is stated ("N. E. Hist. and Genral. Register," 1854, p. 106 n.) that President John Adams declined to receive Mr. Sumner, who was admitted to the bar six months earlier than Parsons, into his office only because he had already the number of students allowed him by the bar rules.

the usual term required by the rules for such students previous to their recommendation for the oath," *Voted*, That Mr. Roberts be admitted accordingly with the proposed allowance, provided he produces a certificate from a gentleman of the profession in Carolina that he has read law under such gentleman's direction for one year at least.

1784, January 23. At a meeting of the following gentlemen, at the new Court-house, the Attorney-General, Messrs. Kent, Sullivan, Hichborn, Tudor, Morton, Keith, Mason, Robbins, Hughes.

Agreed, that Mr. Sullivan have the consent of the bar to take into his office as a student Mr. Samuel Cooper Johonnot, grandson of the late Dr. Cooper, aged sixteen.\*

1784, February 19. At a meeting of the following gentlemen, at the new Court-house, Messrs. Lowell, Sullivan, Hichborn, Tudor, Morton, Lincoln.

On motion, *Voted, nem. con.*, That Mr. Thomas Edwards be recommended to the Supreme Judicial Court, as qualified for the oath of an attorney of that court.

*Voted*, That Mr. John Thaxter, Mr. Fisher Ames, Mr. Rufus G. Amory, and Mr. George R. Minot be recommended to the same court to be sworn as attorneys.

1784, March 20. Saturday evening. At a meeting of the following gentlemen of the bar, at Mr. Ingersoll's, present, Mr. Kent, Mr. Lowell, Mr. Sullivan, Mr. Hichborn, Mr. Tudor, Mr. Morton, Mr. Dawes, Mr. Gore, Mr. Edwards, Mr. Hughes, Mr. Robbins, Mr. Lincoln.

1. *Voted*, That we will now give an opinion whether the law passed during the present sessions of the General Court, granting to justices a power of trying causes to the value of four pounds, be contrary to the constitution or not.

Agreed unanimously, that said law, in our opinion, is contrary to the constitution. Also agreed, that each gentleman of the bar will use his utmost endeavor to obtain a determination of the Supreme Judicial Court whether the law be agreeable to the constitution or not.†

\* Mr. Johonnot graduated from Harvard College the previous year.

† The jurisdiction of justices of the peace in civil actions was increased from forty shillings to four pounds, by an act passed March 11 of this year. An explanatory act, "removing doubts which have arisen in the construction" of this act of 1784, was passed in June, 1797, and the limit stated as thirteen dollars and thirty-three and one third cents. By an act passed March 12, 1808, the justices' power was extended to twenty dollars, which is the limit by the present statutes.

The question of the constitutionality of the act of 1784 was raised during its discussion in the General Court. The Journal of the House shows that on February 13 that body voted (by 95 yeas of 121 members present) to accept the report of a committee that "consistent with the Constitution a justice of the peace may be empowered to try actions exceeding forty shillings." The blank in the pending bill was then filled by the insertion of *four pounds*, and the bill was passed to be engrossed. On February 25 Rufus King, a member for Newburyport, moved to have the question of the constitutionality of increasing the justices' power beyond forty shillings referred to the judges of the Supreme Court for their opinion, but his motion was negatived.

The objection to the act, both in the Legislature and in this bar association,

2. *Voted* unanimously, That no gentleman of the bar ought to go out of his office to put himself in the way of applications for drawing of writs, nor to employ any other persons to do business for him out of his office.

3. *Voted*, That there shall be a bar meeting at Ingersoll's every Tuesday evening in the week preceding that appointed for the session of the Supreme Judicial Court, for the purpose of arranging the jury actions at said court; and it is agreed, that every gentleman not then present shall hold himself bound by such arrangement.

4. *Voted*, That there shall be a general bar meeting at Colonel Ingersoll's on the evening of every last day of entry at each Court of Common Pleas for the County of Suffolk; and that each gentleman in the county, belonging to the profession, whether present or absent, shall pay his proportion of the evening's expense.

1784, April 20. Tuesday evening. At a meeting of the bar at Ingersoll's, present, Mr. Kent, Mr. Sullivan, Mr. Hichborn, Mr. Tudor, Mr. Edwards, Mr. Gore, Mr. Robbins, Mr. Fay, Mr. Lincoln.

1. *Voted*, That in future we take the same allowance for receiving and paying moneys belonging to our clients as adopted by the bar in 1771.

The following gentlemen were absent: Attorney-General, Mr. Lowell, Mr. Gardiner, Mr. Morton, Mr. Keith, Mr. Mason, Mr. Dawes, Mr. Hughes.\*

2. That in all cases when a gentleman shall be proposed as a student who has not had a college education, he shall always undergo an examination by a committee appointed by the bar previous to his admission as a student.

1784, July 7 and 9. At a meeting of the bar at Ingersoll's and the new Court-house, present, at one or other of the meetings, or at both, the Attorney-General, Mr. Lowell, Mr. Gardiner,† Mr. Sullivan, Mr. Tudor, Mr. Morton, Mr. Hunt, Mr. Sprague, Mr. Keith, Mr. Mason, Mr. Bradish, Mr. Hughes, Mr. Lincoln, Mr. Edwards, Mr. Dawes, Mr. Gore.

*Voted* unanimously, That Mr. Joseph Hall be recommended by the bar to the Court of Common Pleas this term for the oath of an attorney of that court.

was based probably upon a suspected abridgment of the right of trial by jury. As the justices' power was not again lessened by statute, it seems probable that the Supreme Judicial Court, if the question was ever brought before it, decided against the views of these members of the Suffolk Bar.

\* The names of Messrs. Amory, Ames, and Minot are also in this list of absentees, but a pen has been drawn through them. These gentlemen, perhaps, belonged to the bar of other counties than Suffolk, and their names are erased to show that no assessment was due from them for the supper suggested by the fourth vote of the previous meeting.

† This was John Gardiner, who, born in Boston, was educated at the Inner Temple, London, and practised his profession in England. He was appointed attorney-general of the island of St. Christopher, and came to Boston after the peace of 1783. He afterward went to Pownalborough, and was sent to the Legislature, where he was known as the law reformer.

*Voted*, on motion from Mr. Lowell, unanimously, That Mr. Edward Sohier be recommended by the bar to the Court of Common Pleas this term for the oath of an attorney of that court.

On motion of Mr. Gardiner, to have his son, John Gardiner, admitted into his office as a student of law; and on motion from Mr. Gore to have the liberty of taking into his office Mr. William Hill (a young gentleman from North Carolina), as a student of law, it appearing to the bar that neither of these young gentlemen had received a college education, *Voted* unanimously, That a committee be appointed to examine the said young gentlemen with respect to their literary qualifications, and to report their opinion thereon to the bar.

*Voted*, That the Attorney-General, Mr. Lowell, and Mr. Tudor constitute the said committee.

It was agreed by the gentlemen present that neither Mr. Hall nor Mr. Sohier be proposed to the court till some day after the third Tuesday of July instant.

1784, August 24. At a meeting of the bar at Colonel Ingersoll's, present, Mr. Lowell, Mr. Gardiner, Mr. Tudor, Mr. Morton, Mr. Lincoln, Mr. Keith, Mr. Edwards, Mr. Hughes, Mr. Gore.

The gentlemen present proceeded to class the actions for trial next week.

The committee reported that they had attended the examination of Messrs. Gardiner and Hill; upon which, *Voted*, That said report be considered at the adjournment.

*Voted*, That the bar meet at Mr. Lowell's office on Saturday morning next at 11 o'clock.

1784, August 28. At a meeting of the following gentlemen at Brother Lowell's office, present, Attorney-General, Mr. Lowell, Mr. Sullivan, Mr. Tudor, Mr. Morton, Mr. Keith, Mr. Gore, Mr. Dawes, Mr. Lincoln, Mr. Hughes.

The gentlemen (on motion from Mr. Tudor) *Voted* unanimously, That Mr. Edward Walker (who was admitted to the oath of an attorney at the Inferior Court for Suffolk, at January Court, 1775) be recommended to the Supreme Judicial Court to be admitted to the oath of an attorney of that court.

The report of the committee on the examination of Messrs. Gardiner and Hill was considered; and it appearing to the gentlemen present that, although those gentlemen were well versed in the Latin and English classics, yet that a course of study in the mathematics, in ethics, logic, and metaphysics was necessary previous to their admission as students of law; therefore *Voted* unanimously, That such admission be suspended.

1784, October 12. At a meeting of the bar, at Mr. Marston's, being the quarterly meeting, present, Mr. Gardiner, Mr. Hichborn, Mr. Tudor, Mr. Edwards, Mr. Lincoln, Mr. Hughes, Mr. Dawes, Mr. Robbins, Mr. Ames, Mr. Tyler, Mr. Amory.

On motion of Mr. Hichborn, *Voted*, That Mr. Fortescue Vernon be considered as a law student in Brother Hichborn's office from Sept. 1, 1784.

N. B. This was a very social meeting, and several points of practice (not proper for matter of record) were liberally discussed and very amicably adjusted and agreed upon.

1785, January 11. At a meeting of the bar at Mr. Marston's, present, Mr. Gardiner, Mr. Hichborn, Mr. Tudor, Mr. Morton, Mr. Edwards, Mr. Dawes, Mr. Gore, Mr. Keith, Mr. Robbins, Mr. Ames, Mr. Tyler, Mr. Lincoln, Mr. Minot, Mr. Amory.

On motion of Mr. Dawes, *Voted*, That Mr. John Merrick be considered as a law student in his office from the first day of October last.

*Voted*, That a committee of three gentlemen be appointed to consider of proper measures to be adopted for remedying the inconveniences arising from the delinquency of sheriffs in the execution of their offices, and report. Mr. Gardiner, Mr. Robbins, and Mr. Amory were appointed on the said committee.

1785, July 12. At a meeting of the bar at Mr. Marston's, present, Mr. Gardiner, Mr. Hichborn, Mr. Tudor, Mr. Keith, Mr. Edwards, Mr. Gore, Mr. Lincoln, Mr. Robbins, Mr. Hughes, Mr. Ames, Mr. Amory.

*Voted*, That the Judges of the Supreme Judicial Court be invited to dine with the gentlemen of the bar on the first Monday of the next term; and Brothers Gardiner and Hichborn are appointed a committee to invite the judges and prepare a suitable dinner.

*Voted*, That Mr. Hill be considered as a student in Mr. Gore's office from January last.

*Voted*, That Mr. John Gardiner be considered as a student in his father's office from January Court, 1785.

*Voted*, That Mr. Edward Gray be recommended to the Court of Common Pleas for the oath of an attorney of that court.

1786, July 12. At a meeting of the bar, the following gentlemen present, viz., John Lowell, James Sullivan, William Tudor, Perez Morton, William Wetmore, William Hunt, Israel Keith, Thomas Edwards, Thomas Dawes, Edward H. Robbins, Christopher Gore, Samuel Hughes, Benjamin Lincoln, Royal Tyler, Fisher Ames, George R. Minot, Rufus G. Amory.

Upon motion of Mr. Gore, *Voted*, That Mr. Samuel Quincy, having fully complied with the rules of the bar, be recommended to the Court of Common Pleas to-morrow for the oath of an attorney of that court.

On motion of Mr. Tudor, *Voted*, That Mr. John Rowe, Jr., having complied with the necessary requisites established by the bar, be recommended some day this term to the Court of Common Pleas as a qualified attorney of that court.

On motion of Mr. Lowell, *Voted*, That Mr. Harrison Gray Otis, having duly complied with the bar rules, be recommended to the Court of Common Pleas some day this term for the oath of an attorney of that court.

*Voted*, on motion of Mr. Lowell, that he have the consent of the bar to admit into his office, as law students, Mr. S. Borland, and his son, Mr. John Lowell, Jr.\*

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\* Mr. Lowell became one of the prominent lawyers and citizens of Boston. A memoir of him, by his grandson, the present Judge Lowell, may be found in the Proceedings of this Society, vol. ii. pp. 160-169.

On motion of Mr. Sullivan, *Voted*, That he have the consent of the bar to admit into his office, as a law student, his son, Mr. James Sullivan, Jr.

1786, July 18. The following gentlemen present, Messrs. Lowell, Tudor, Keith, Edwards, Robbins, Lincoln, Amory.

*Voted*, on motion of Brother Lowell, That he have the consent of the bar to admit into his office, as a law student, Mr. Thomas Russell, Jr., son of Thomas Russell, Esq.

1787, July 12. At a bar meeting, present, the Attorney-General, Messrs. Lowell, Hichborn, Tudor, Mason, Edwards, Minot, Gore, Ames, Amory, Sohier, Gray.

On motion of Mr. Hichborn, *Voted*, That Mr. Fortescue Vernon be recommended for the oath of an attorney of the Court of Common Pleas, upon the last day of this term, Mr. Hichborn engaging that he shall continue in his office as a student of law until the first day of September, when his term of three years' study will be completed. There being no October court to sit is the reason of this vote.

On motion of Mr. Lowell, *Voted*, That Mr. Thomas Williams be recommended to the Court of Common Pleas for the attorney's oath.

1787, August 21. At a meeting of the gentlemen of the bar, *Voted*, That a dinner be given to the Justices of the Supreme Judicial Court on the first Monday of their ensuing sessions, and that the Governor, Lieutenant-Governor, the officiating clergymen, the sheriff, and both clerks be invited, together with such gentlemen belonging to the profession who are strangers in Boston.

*Voted*, That Mr. Mason and Mr. Dawes be a committee to procure a suitable dinner.

*Voted*, That Mr. Isaac Parker\* be considered as a student in Mr. Tudor's office from the first day of August, 1786.

*Voted*, That Mr. Dawes have the consent of the bar to admit into his office Mr. William Cranch† as a law student.

The gentlemen present were, Messrs. Sullivan, Tudor, Mason, Edwards, Dawes, Gore, Amory, Lincoln, Hall, Minot.

1788, February 1. At a meeting of the gentlemen of the bar, present, Messrs. Lowell, Tudor, Morton, Wetmore, Amory, Hunt, Edwards, Dawes, Mason, Sohier, Hall.

On motion from Mr. Morton, that Mr. George Warren might be recommended to the Court of Common Pleas for the oath of an attorney of that court, it appearing that he had not received a collegiate education, and the certificates offered not being fully satisfactory,

*Voted*, That Mr. Hichborn, Mr. Wetmore, and Mr. Amory be a committee to examine the young gentleman and make report as to his qualifications at the next meeting.

The committee reported accordingly at a meeting holden February 14; in consequence of whose opinion the bar present *Voted* unani-

\* Afterward Chief Justice of the Supreme Judicial Court of the Commonwealth.

† Afterward Chief Justice of the Circuit Court of the District of Columbia.

mously, To recommend Mr. G. Warren to the Common Pleas for the attorney's oath.

1788, July 1. At a meeting of the bar at Mr. Tudor's office, present, Messrs. Tudor, Morton, Edwards, Dawes, Robbins, Hughes, Amory, Gray, Minot.

On motion of Brother Dawes, *Voted*, That Mr. John Merrick be recommended to the Court of Common Pleas for the oath of an attorney of that court, some day this term.

On motion of Brother Morton (in behalf of Mr. Hichborn, who is out of town), *Voted*, That Mr. Joseph Bartlet\* be recommended to the Court of Common Pleas for the attorney's oath of that court some day of the present term.

1788, July 22. At a meeting of the bar at the Court-house, present, Messrs. Lowell, Sullivan, Hichborn, Tudor, Morton, Wetmore, Dawes, Hull, Robbins, Gore, Edwards, Hughes, Minot, Amory, Hall, Gray, Sohier.

On motion of Mr. Gore, *Voted*, That Mr. Thomas Crafts be recommended at the close of the present term to the Court of Common Pleas, for the oath of an attorney of that court, he having fully conformed to the rules of the bar respecting law students.

On motion of Mr. Hichborn, it was unanimously agreed that Mr. Samuel Andrews be considered as a student in his office from July, 1786.

On motion of Mr. Sullivan, agreed that Mr. William Lyman be considered as a student in his office from the tenth day of June last.

On motion of Mr. Wetmore, agreed that Mr. Nathaniel Higginson be considered as a student in his office from the death of our late Brother Lincoln, say from March 20 last.

On motion of Mr. Hichborn, it was agreed that Mr. Phineas Bruce be considered as a student in his office from October, 1787.

1788, August 26. At a meeting of the bar, at the Senate Chamber, present, Attorney-General, Messrs. Lowell, Hichborn, Tudor, Morton, Mason, Gore, Edwards, Dawes, Gray.

On motion of Mr. Tudor, *Voted* unanimously, That Messrs. Harrison G. Otis and John Rowe be recommended to the Supreme Judicial Court this term, to be admitted to the oath of attorneys of that court.

1788, September 6. At a meeting of the bar, present, Messrs. Lowell, Parsons, Wetmore, Mason, Edwards, Ames, Hall, Hughes.

On motion of Mr. Parsons, *Voted*, That he have the consent of the bar to take into his office Mr. Bossenger Foster, Jr., as a law student from this day.

1789, March 24. At a meeting of the bar, at the Court-house, present, Messrs. Lowell, Sullivan, Tudor, Morton, Mason, Hall, Gray.

On motion of Mr. Lowell, it was agreed that Mr. Edward Clarke be considered as a student in his office from Feb. 17, A.D. 1789.

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\* An erratic fellow. See Duyckinck's "Cyclopædia of American Literature," vol. i. pp. 523-525.



1789, July 21. At a meeting of the bar, at the Court-house, present, Messrs. Lowell, Sullivan, Tudor, Morton, Edwards, Robbins, Hunt, Mason, Hughes, Gore, Dawes, Amory, Dexter, Sohler, Hall, Gray, Otis.

*Voted*, on motion of Mr. Lowell, That his son, Mr. John Lowell, Jr., be recommended to the Court of Common Pleas, the present term, for the oath of an attorney of that court.

*Voted*, on motion of Mr. Tudor, That Mr. Isaac Parker be recommended to the Court of Common Pleas, this term, for the oath of an attorney of that court.

*Voted*, That Mr. Lowell have the consent of the bar to take into his office Mr. John Lathrop as a law student.

*Voted*, on motion of Mr. Sullivan, That Mr. William Lyman be considered as having complied with the rules of the bar as a law student for two years, completed the 10th of June last; and that, on condition he continues his studies for the space of one year longer according to the rules of the bar, and submits himself to an examination, that he shall then be recommended to the oath of an attorney in the Court of Common Pleas.

1789, July 22. At a meeting of the bar, at the Court-house, present, Messrs. Lowell, Sullivan, Hichborn, Tudor, Morton, Edwards, Gore, Hughes, Dawes, Amory, Dexter, Sohler, Otis.

On motion of Mr. Hichborn, *Voted*, That Mr. Samuel Andrews be recommended to the Court of Common Pleas, some day this term, for the oath of an attorney of that court.

On motion of Mr. Lowell, *Voted*, That Mr. Joseph Blake, on filing his certificates from Messrs. Sprague and Colville with the Secretary, be recommended to the Court of Common Pleas for the attorney's oath.

1789, August 21. At a meeting of the bar, present, Attorney-General, Messrs. Sullivan, Tudor, Mason.

On motion of Mr. Paine, *Voted*, That Mr. Robert Paine be considered as a student in his father's office from July 25 last.

DISTRICT COURT AT BOSTON, Dec. 1, 1789.

*A Rule for the Admission of Counsellors and Attorneys at Law.*

All such gentlemen who are now barristers or attorneys at the Supreme Judicial Court of the State of Massachusetts, taking the oath of allegiance to the United States, shall be admitted as counsellors and attorneys in this court, to take rank according to their standing in the Supreme Judicial Court aforesaid.

1790, February 6. At a meeting of the following gentlemen of the bar, viz., Messrs. Hichborn, Tudor, Morton, Dawes, Hughes, Tyler (of Uxbridge), Gray.

On motion of Mr. Hichborn, *Voted* unanimously, That Mr. Phineas Bruce, having studied regularly for nine months and upwards with an attorney previous to his admission into Brother Hichborn's office in

October, 1787, be recommended to the Court of Common Pleas for the oath of an attorney of that court.

1790, July 8. At a meeting of the gentlemen of the bar, present, Messrs. Tudor, Edwards, Dawes, Mason, Hughes, Amory, Hall, Sohler.

On motion of Mr. West of New Hampshire, and from full evidence by certificates that Mr. Thomas Hammond had fully complied with the rules of the bar of that State, similar to those of the bar of Massachusetts, and had been duly admitted as an attorney of the Court of Common Pleas of that State, *Voted*, That he be recommended to the Court of Common Pleas for the oath of an attorney of that court.

*Voted*, on motion of Brother Dawes, That Mr. William Cranch, having complied with the bar rules, be recommended, some day this term, to the oath of an attorney of the Court of Common Pleas.

1790, July 30. At a meeting of the bar, present, Messrs. Sullivan, Tudor, Robbins, Edwards, Hughes, Gray, Amory, Williams.

On motion of Mr. Tudor, *Voted*, That he have the consent of the bar to take into his office Mr. Josiah Quincy \* as a law student.

On motion of Mr. Robbins, *Voted*, That he have the consent of the bar to take Mr. Nathaniel Fisher into his office as a law student.

1790, September 2. At a meeting of the gentlemen of the bar, present, the Attorney-General,† Mr. Hichborn, Mr. Parsons, Mr. Tudor, Mr. Morton, Mr. Dawes, Mr. Edwards, Mr. Robbins, Mr. Wetmore, Mr. Hughes, Mr. Amory, Mr. Gray, Mr. Sohler, Mr. Keith, Mr. Quincy, Mr. Williams, Mr. Otis.

On motion of the Attorney-General, consented, that he take into his office Mr. Robert Paine, son of Judge Paine, as a law student (*vide* Aug. 21, 1789).‡

On motion of Brother Gore, *Voted*, That Mr. John Lathrop be considered as a student in his office from the time he quitted Judge Lowell's office (*vide* July 21, 1789), and that Mr. Ebenezer Gay be considered as a student in Mr. Gore's office from April last, and Mr. John Callender from July last.

1790 [1], January 10. On motion of the Attorney-General, *Voted*, That he have the consent of the bar to take into his office, as a law student, Mr. James Prescott, Jr., of Groton, the young gentleman having had a college education, and it appearing by a certificate from Eb. Champney, Esq., of New Ipswich, that said Prescott had been a student in his office from July, 1788, to Nov. 23, 1790. Gentlemen present, Attorney-General, Messrs. Tudor, Edwards, Amory, Minot, Gray, Keith, Sohler, Bradish, Williams.

1791, April 28. At a bar meeting, present, Messrs. Ames, Dexter, Sohler, Otis, Townshend.

*Voted*, on motion of Mr. Ames, That he have the consent of the bar to consider Mr. Samuel Haven as a student in his office from October 23 last.

\* Afterward the President of Harvard College, &c., &c.

† James Sullivan was appointed attorney-general, February 12 of this year.

‡ Robert Treat Paine, who had been the attorney-general since the organization of the State, was raised to a seat on the Supreme Bench this year.

1791, July 5. At a meeting at Mr. Tudor's office, present, Messrs. Tudor, Morton, Hughes, Amory, Gray, Townshend.

On motion, *Voted*, That Mr. James Prescott, Jr., be recommended to the Court of Common Pleas for the oath of an attorney of that court some day of the present term.

1792, July 24. At a meeting of the bar, present, the Attorney-General, Messrs. Tudor, Edwards, Hall, Gray, Otis, Williams, Lowell, Adams.\*

*Voted*, That Mr. George Blake be recommended to the Court of Common Pleas for the oath of an attorney of that court.

*Voted*, That Mr. Robert Paine be recommended to the Court of Common Pleas for the oath of an attorney of that court.

*Voted*, That William Sullivan † be admitted as a law student in the office of the Attorney-General.

1792, August 2. At a meeting of the bar, present, Messrs. Otis, Sohier, Gray, Blake, Lowell, Adams, Beales.

On motion of Mr. Otis, *Voted*, That Mr. John Williams be considered as a law student in his office from July term, 1792.

1793, July 9. At a meeting of the bar, present, Messrs. Tudor, Minot, Hall, Adams, Blake, Otis, Lowell, Gray.

*Voted*, That Mr. John Callender be recommended to the Court of Common Pleas for the oath of an attorney of that court.

*Voted*, on motion of Mr. Tudor, That Mr. Josiah Quincy be recommended to the Court of Common Pleas for the oath of an attorney of that court.

1793, July 10. At a meeting of the bar, present, Messrs. Tudor, Morton, Hall, Minot, Otis, Gray, Adams, Blake, Lowell.

After debate, under the special circumstances of the case, *Voted*, That Mr. Francis Blake be recommended to the Court of Common Pleas of *this* county for the oath of an attorney of that court, notwithstanding his having followed his law studies in the county of Worcester.

1793, July 10.‡ At a meeting of the bar, present, Messrs. Tudor, Dexter, Hall, Gray, Williams, Edwards, Otis, Lowell, Beals, Amory, Adams.

*Voted*, That Mr. Tudor, Mr. Minot, and Mr. Lowell be a committee to revise all the existing bar rules, and to prepare and report a new set of general regulations, and to lay the same before the brotherhood on some day in the next term of the Supreme Judicial Court in this county for their consideration, and that they notify a special bar meeting for this purpose.

\* President John Quincy Adams had studied with Theophilus Parsons at Newburyport, and was admitted to the Essex Bar, July 15, 1790. He removed at once to Boston. He was appointed Minister to Holland, May 29, 1794.

† The well-known author of "Familiar Letters on the Men of the Revolution." A notice of him by Mr. T. C. Amory is in the Proceedings of this Society, vol. ii. pp. 150-160.

‡ *Sic* in the manuscript, but evidently an error, unless two meetings were held on the same day.

*Voted*, That Judge Minot, Mr. Amory, and Mr. Lowell be a committee to make inquiry, and to examine the qualifications of Mr. Joseph Rowe, and to report on the propriety of recommending that young gentleman to the Court of Common Pleas for the oath of an attorney of that court.

1793, July 23. At a meeting of the bar, present, the Attorney-General, Messrs. Tudor, Amory, Judge Minot, Messrs. Otis, Adams, Blake.

*Voted*, That Mr. Joseph Rowe be recommended to the Court of Common Pleas for the oath of an attorney of that court, in consequence of the following report of the committee appointed the 10th instant, viz.: —

“ The committee appointed for the examination of Mr. Joseph Rowe report that he received an academical education in the province of Canada ; after which, at about seventeen years of age, he entered the office of the attorney-general for that province as a clerk and student of the law ; that he diligently attended to the business of that office and a suitable course of study the term of two years ; all which the committee conceive is equal to a collegiate education in this State. That he has resided more than three years in Boston as a clerk in the office of Mr. Tudor. The committee, having considered the qualifications of Mr. Rowe, are of opinion that he may be duly admitted to the bar.”

1795, July 22. At a meeting of the bar, present, Messrs. Tudor, Edwards, Minot, Amory, Otis, Lowell, Gray, J. Blake, Williams, G. Blake, Paine.

On motion of Mr. Sullivan, *Voted*, That Mr. William Sullivan be recommended to the Court of Common Pleas for admission to the oath of an attorney of that court.

On motion of Mr. Otis, *Voted*, That Mr. John Williams be also recommended to that court for the oath of an attorney.

A letter from Judge Lincoln, of Worcester, was read, requesting the bar to consent to the admission of Mr. James Allen, Jr., who had completed his law reading with him, to the oath of an attorney in this county. After much debate, it appearing that a derangement of the Court of Common Pleas in that county rendered it improbable that a court would be holden there until next winter, and from some particular circumstances attending the young gentleman, *Voted*, That he be recommended accordingly.

Also *Voted*, That in future no law student belonging to another county be proposed in this to the courts for admission as an attorney, without first producing the consent of the bar in the county where he studied, at a regular meeting certified by the clerk of such bar meeting.

1796, May 17. At a meeting of the following gentlemen of the bar at R. G. Amory, Esq.'s, office, present, Messrs. Minot, Amory, Gray, Lowell, Phillips, Paine, Gay, Rowe, Phelps, Sullivan.

*Voted*, That Mr. Ebenezer Gay be secretary to record the votes and transactions of the bar.

*Voted* also, That the following regulations be subscribed by each gentleman of the bar in the bar book, and that they be furnished with a copy thereof.

May 17, 1796.

We the subscribers, members of the bar for the county of Suffolk, taking into consideration the great depreciation of money, the abridgment of the number of days' attendance formerly taxed in defaulted cases, according to the more ancient law, and the general inadequacy of the fees hitherto paid in many cases to the services performed in the line of our profession, agree to the following regulation of fees; viz.:—

At the COURT OF COMMON PLEAS where actions are not entered.

For every writ where the demand is under 100 dollars . . .	\$2.50
where the demand is above 100 dollars . . .	3.50
on the absconding act where the demand is	
under 100 dollars . . . . .	3.00
where the demand is above 100 dollars . . .	4.00

Where actions are entered at said court and not argued, and judgment recovered the first term.

Fee for entry where the party does not enter, besides the clerk's fee and in addition to the bill of cost . . . .	\$1.00
Term fee where the demand is under 100 dollars . . . .	2.50
where the demand is above 100 and under 400 dollars . . . . .	3.50
where the demand is above 400 dollars . . . . .	5.00
In case there be not judgment the first term, then for every term afterward in cases under 100 dollars . . . .	1.00
above 100 dollars . . . . .	2.00
Fee from the defendant for obtaining an appeal; in actions	
under 100 dollars . . . . .	3.00
above 100 dollars . . . . .	4.00
For every continuance; first term . . . . .	3.00
every term after . . . . .	2.00
For a demurrer; if the first term . . . . .	3.00
any subsequent term . . . . .	2.00
Fee for advice in all cases relating to property to an amount	
under 400 dollars, not less than . . . . .	2.00
above 400 dollars, not less than . . . . .	5.00

AT THE SUPREME JUDICIAL COURT.

Fee for entering an action where the party does not enter it .	\$1.00
In actions not argued and where judgment is recovered the first term, in addition to the bill of costs if	
under 100 dollars . . . . .	3.00
above 100 dollars . . . . .	5.00

For every term after, if under 100 dollars . . . . .	\$2.00
above 100 dollars . . . . .	3.00
In like actions not argued, from the defendant, every term,	
if under 100 dollars . . . . .	3.00
if above 100 dollars . . . . .	5.00

FOR ARGUING CAUSES TO THE COURT OR JURY.

At the Common Pleas, not less than . . . . .	\$5.00
At the Supreme Judicial Court, not less than . . . . .	15.00

FOR WRITING A LETTER REQUESTING PAYMENT OF A DEMAND.

under 100 dollars . . . . .	\$1.50
above 100 dollars . . . . .	2.00

It is further agreed that none of the above rules shall apply to cases the value of which does not exceed thirty dollars. And it is further expected that the above rules will not prevent gentlemen from demanding more in cases deserving higher fees.

And it is further agreed that for collecting money for persons in this State, we shall receive not less than one per cent.

Witness our hands to the above agreement : —

Ja. Sullivan.  
S. Bourne.  
Thomas Edwards.  
James Hughes.  
Geo. R. Minot.  
Edw<sup>d</sup> S<sup>t</sup> Loe Livermore.  
Rufus G. Amory.  
Edw<sup>d</sup> Gray.  
Jno. Davis.  
H. G. Otis.  
Thomas Williams, Jun.  
Jos. Blake, Jn<sup>r</sup>.  
Jn<sup>o</sup> Lowell, Jun.  
John Phillips.  
Geo : Blake.  
Rob<sup>t</sup> Paine.  
John Lathrop, J<sup>r</sup>.

Eben<sup>r</sup> Gay.  
Jn<sup>o</sup> Callender.  
Josiah Quincy.  
Jos : Rowe.  
Charles P. Phelps.  
W<sup>m</sup> Sullivan.  
John Williams.  
Charles Paine.  
William Thurston.  
Edw<sup>d</sup> Jackson.  
Ezek<sup>l</sup> Bacon.  
Sam<sup>l</sup> A. Dorr.  
John Heard.  
David Everett.  
H : N : Lisle.  
C. P. Sumner.  
James Allen, Jun<sup>r</sup> \*

1796, October 18. At a meeting of the bar, present, Messrs. Sullivan, Edwards, Amory, Gray, Lowell, Phillips, Lathrop, Gay, Quincy.

On motion of Mr. Attorney-General, to recommend Mr. Isaac Story to the Court of Common Pleas for admission to the oath of an attorney of that court, it appearing that Mr. Story had regularly studied

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\* An albertype of the page containing these signatures, somewhat reduced in size, makes the frontispiece of this pamphlet.

the term of three years in the county of Essex, and that in consequence of the sickness at Newburyport the court would not convene there as usual, whereby the gentleman would be kept out of business a considerable time,\* *Voted*, That the rule heretofore made on this subject be dispensed with, in this instance, in consideration of the peculiar circumstances of the case, and that Mr. Story be recommended accordingly.

1796, November 24. At a meeting of the bar, present, Attorney-General, Mr. Amory, Judge Minot, Messrs. Gray, Lowell, Phillips, Gay, Callender, Rowe, Quincy.

On motion of Mr. Lowell, to have the liberty of taking into his office Mr. John Ward Gurley as a law student, it appearing that the gentleman had not received a college education, *Voted* unanimously, That a committee be appointed to examine the said young gentleman as to his literary qualifications, and report accordingly. Judge Minot, Mr. Otis, and Mr. Quincy were appointed a committee for the above purpose.

1797, May 10. At a meeting of the bar, present, Messrs. Bourne,† Gray, Williams, Lowell, Phillips, Lathrop, Paine, Rowe.

On motion of Mr. Lowell, *Voted*, That Mr. William Thurston be recommended to the Court of Common Pleas for admission to the oath of an attorney of that court.

1797, October 9. At a meeting of the bar, present, Messrs. Edwards, Minot, Davis, Williams, J. Blake, Jr., G. Blake, Phillips, R. Paine, Callender, Gay, Rowe.

On motion of Judge Sullivan, *Voted*, That Mr. Samuel A. Dorr be considered a student in his office from July term, 1795; and Messrs. Charles Davis and Charles Cushing from July term, 1796.

And on motion of Brother Davis, *Voted*, That Mr. John Heard and Mr. Benjamin Wood be considered as students in his office from last July term.

On motion of Judge Minot, that Mr. Holder Slocum, Jr., be admitted as a student in his office, it appearing that he had not received a collegiate education, *Voted*, That Messrs. Edwards, Davis, and Gray be a committee to examine him as to his literary qualifications.

1798, January 12. At a meeting of the bar, present, Messrs. Edwards, Amory, Minot, Gray, Lowell, Phillips, Gay, Callender, Quincy, Rowe.

On motion of Mr. Edwards to recommend Mr. Ezekiel Bacon‡ to the Court of Common Pleas for admission to the oath of an attorney of that court, it appearing from sundry certificates that he had regularly studied the term of three years, *Voted* unanimously, To recommend him accordingly.

\* Newburyport was visited by an epidemic of yellow-fever at this time. See Coffin's "Newbury," p. 270.

† Shearjashub Bourne, the graduate of 1764; Chief Justice of the Suffolk Common Pleas, and a member of Congress.

‡ Yale College, 1794. Afterward Chief Justice of the Common Pleas, and a member of Congress.

1798, May 11. At a meeting of the following gentlemen of the bar, Messrs. Gray, Lowell, Phillips, Paine, Gay, Rowe, Phelps.

On motion of Brother Livermore, *Voted*, That Mr. Nicholas Emery be considered a student in his office from April term, 1798.

1798, July 9. At a meeting of the following gentlemen of the bar, Messrs. Minot, Amory, Davis, Gray, T. Williams, Phillips, Rowe, Adams, Sullivan, Phelps.

The committee appointed at a bar meeting on the ninth day of October last, to examine Mr. Holder Slocum, Jr., a student in Judge Minot's office, as to his literary qualifications, reported as follows:—

“The committee of Suffolk Bar, appointed to examine and ascertain the literary acquirements of Mr. Holder Slocum, Jr., now a student with Judge Minot, have attended that service, and report that they find Mr. Slocum has so far attended to the Latin language that a moderate degree of attention and practice will probably enable him to render it sufficiently familiar for the purposes of his intended profession. He has paid no attention to the Greek, and has not been sufficiently instructed, in the opinion of your committee, in logic, metaphysics, and mathematics. He has read some approved writers in history, and has attended considerably to the French language.

“It is the opinion of the committee that on his remaining in an office three years from the present time, with an attention for part of the time, under the direction of his instructor, to history and metaphysics, and occasionally to the Latin language, it will be proper, at the expiration of that period, if he continues the assiduity and attention which he has hitherto manifested, to allow of his admission to the bar.

“JNO. DAVIS,

“*Boston, June 27, 1798.*

Per order.”

On motion of Mr. William Sullivan, to recommend Mr. Samuel A. Dorr to the Court of Common Pleas for admission to the oath of an attorney of that court, *Voted*, To recommend him accordingly.

And on motion of Brother Davis, to recommend Mr. John Heard, Jr., to the Court of Common Pleas to the oath of an attorney of the said court, *Voted*, On his obtaining a certificate from the gentleman with whom he studied prior to his entering Mr. Davis's office, to recommend him accordingly.

After debate, the following exception to the rule respecting amendments adopted Jan. 2, 1771, was voted, viz.:—

That in all cases where the declaration in the writ is on an account annexed, on a policy of insurance, on a bill of exchange, or where the suit is brought for articles sold and delivered without an account annexed, the plaintiff's counsel shall be allowed to file a special declaration at any time before trial without paying costs or allowing a continuance, provided that if the amendments be made at the Supreme Judicial Court, the policy, bill, or copies, or full and sufficient abstracts thereof, and a schedule of the articles shall be filed at the Court of Common Pleas, unless such abstracts shall be contained in the declaration.

1798, July 23. At a meeting of the bar, present, Mr. Edwards, Judge Minot, Messrs. Gray, J. Blake, R. Paine, Rowe.



On motion of Judge Minot, *Voted*, That Mr. Charles Pinckney Sumner\* be considered a student in his office from the present July term.

1798, August 10. At a meeting of the bar, present, Judge Minot, Messrs. Davis, Gray, Lowell, Phillips, Gay, Callender, Rowe.

The following report of a committee of the bar, consisting of Judge Minot, Mr. Davis, and Mr. Gray, on an application of Mr. Foster Waterman to be recommended to the Court of Common Pleas, to be sworn as an attorney of that court, was accepted, viz.: —

“That in their opinion Mr. Waterman’s employment as a schoolmaster in Boston during the time he was a student under Mr. Forbes, and Mr. Forbes’s long absence in Europe, must have impeded his progress in acquiring a knowledge in the practical part of his profession at least: and that the whole of that time ought not to be allowed him. They therefore propose that he should be recommended to be sworn in at the next October term, upon his producing a certificate of his having studied under a gentleman practising at the Supreme Judicial Court from the 11th of April last until that time.

“GEO. R. MINOT,  
“Per order.”

1798, August 27. At a meeting of the bar, present, Messrs. Bourne, Edwards, Gray, Phillips, Sullivan, Gay.

On motion of Mr. William Sullivan, *Voted*, That Mr. Richard Sullivan be considered a student in his father’s office from last July term.

*Voted* also, That Mr. Charles Paine be recommended to the Supreme Judicial Court for admission to the oath of an attorney of that court.

1798, November 1. At a meeting of the bar, present, Messrs. Minot, Lowell, Gay, Rowe, Sullivan.

Mr. Foster Waterman having produced certificates from Mr. Otis and Mr. Whitman that he had prosecuted the study of the law in their offices, from the eleventh day of April last past to the 1st of October last, *Voted*, To recommend him to the Court of Common Pleas for admission to the oath of an attorney of that court.

On motion of Mr. Lowell, *Voted* also, That Mr. [Humphrey] Devereux be considered a student in his office from the present term of the Common Pleas.

At the same meeting, upon the application of Judge Minot, in behalf of Mr. Artemas Sawyer, who received a degree at Harvard College the last Commencement, and has read law since in the office of Mr. Bartlett at Cambridge, that he might be admitted a student in his office in this town, and at the same time attend to the keeping of a school there upon such conditions as the bar might prescribe, *Voted*, That Mr. Davis and Mr. Amory be a committee to consider this application, and report.

1799, July 5. At a meeting of the bar, present, Messrs. Gray, Phillips, Blake, Gay, Sullivan, Adams, Paine.

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\* The father of Charles Sumner.

On motion of Mr. Sullivan, *Voted*, That Messrs. Charles Davis and Charles Cushing be recommended to the Court of Common Pleas for admission to the oath of an attorney of that court.

On motion of Mr. Paine, *Voted*, That Mr. Thomas Paine and Mr. Thomas O. Selfridge be considered students in his office from the first day of April last.

On motion of Mr. Gay, *Voted* also, That Mr. Artemas Sawyer be considered a student in his office from the tenth day of last May.

1799, August 7. At a meeting of the bar, present, Messrs. Amory, Lowell, Phillips, Gay, Callender, Sullivan, Quincy, Paine.

*Voted*, That Mr. Jotham Bender be recommended for admission as an attorney of the Court of Common Pleas, it appearing to the satisfaction of the bar that he has complied with the rules prescribed as a qualification for admission.

1799, October 11. At a meeting of the bar, present, Messrs. Davis, T. Williams, J. Lowell, Jr., J. Phillips, J. Quincy, J. Rowe, C. Paine.

On motion of Mr. Lowell, to have Mr. John W. Gurley, a student in his office, proposed to the Court of Common Pleas for admission to the oath of an attorney of that court, it appearing to the satisfaction of the bar that Mr. Gurley had commenced and prosecuted the study of the law with Mr. Porter of Hadley from the beginning of January, 1796, until the 1st of September in the same year, and that he had also prosecuted his studies in Mr. Lowell's office for the term of two years and eleven months, *Voted*, To propose him accordingly.

*Voted* also, That Mr. William Hyslop Sumner\* be considered a student in Mr. Davis's office from July last; and Mr. Luther Richardson in Mr. Thomas Williams's office from the same time.

1800, January 17. At a meeting of the bar, present, Messrs. Bourne, Davis, Gray, Phillips, Gay, Sullivan, Paine.

On the application of Mr. Samuel Hawkins for admission to the bar of this county, *Voted*, That Mr. Amory, Mr. Davis, and Mr. Gray be a committee to obtain a correct statement of facts respecting the said Hawkins, to report the same at the next meeting.

1800, January 20. At a meeting of the bar, present, Messrs. Edwards, Amory, Davis, Gray, Phillips, G. Blake, J. Rowe, W. Sullivan.

The committee appointed to obtain and report a state of facts in the case of Mr. S. Hawkins reported as follows, viz. :—

“The committee of Suffolk Bar, appointed on the application of Mr. Samuel Hawkins for admission to the bar in this county, report, — that in September last the said Hawkins was admitted as an attorney and counsellor at law at the Court of Common Pleas in the county of Litchfield, in Connecticut, and in October last he was admitted an attorney and counsellor at the Court of Common Pleas in the county of Dutchess, in the State of New York, which admissions appear to be duly certified. He also produces certificates of having studied one year with Tappan Reeve, Esq., in Connecticut, and two years with Jno. —, Esq., of

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\* The son of Governor Increase Sumner.

Troy, in the State of New York. He also states that he studied one year with Mr. Ogden, of which he has no certificate with him. He had not a college education, but studied with a private tutor previous to his living with Mr. Ogden. Mr. Hawkins is a native of the State of New York. The committee are of opinion, under the circumstances above stated [that he] is not now admissible to the bar of this county.

“ R. G. AMORY.

“ JN<sup>o</sup> DAVIS.

“ EDW<sup>d</sup> GRAY.

“ BOSTON, Jan. 18, 1800.”

*Voted*, That the above report be accepted.

On motion of Mr. Amory, *Voted*, That Mr. [Henry] Cabot be considered a student in his office for the term of five years from the 1st of July last.

On motion of Mr. George Blake, *Voted*, That Mr. Nathaniel Sparhawk, who has had an education at Dartmouth College, be considered a student in his office from October, 1798.

*Voted*, That we have a supper at James Vila's,\* and that all the gentlemen of the bar practising at the Supreme Judicial Court be invited to attend, and that Mr. Amory, Mr. Davis, Mr. Gray, and Mr. Gay be a committee to report amendments and additions to the rules respecting practice and admissions.

1800, January 28. At a meeting of the bar at James Vila's (Concert Hall), present, Judge Sullivan, Messrs. Edwards, Amory, J. Davis, Gray, Lowell, Phillips, G. Blake, Gay, Quincy, Rowe, Sullivan, Paine.

*Voted*, That all students of colleges out of the State be not admissible to the bar until they shall have studied one year longer than those educated at Harvard University.

That no student be recommended to the Court of Common Pleas for admission without having studied within the county one year at least of his term.

That with respect to those gentlemen who have studied law or been admitted to the bar in the courts of other States, and who shall apply for admission to the bar of this county, they shall not be recommended without a term of study within this county, to be prescribed by the bar, provided that term be in no case less than one year. This regulation not to apply to those gentlemen who have practised in the supreme court of any State four years, and against whom, upon examination, there shall be found no objection in point of qualification or character.

That no student be recommended to the Court of Common Pleas or Supreme Judicial Court for admission without subscribing and conforming to the rules of the bar.

*Voted* also, That in lieu of the entry and term-fees, we will receive, in cases that shall be entered where there are no trials, and whether

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\* Concert Hall, a well-known tavern at the corner of Hanover and Court Streets.

the cause shall proceed to judgment or not, five per cent on the first hundred dollars, and one per cent less than five per cent on every hundred dollars to five hundred dollars, and one per cent on every sum exceeding five hundred dollars; provided that when the debt shall be lost by the poverty of the debtor the counsel shall be at liberty to deviate from this rule at his discretion.

*Voted* also, That there be a standing committee of the bar to be chosen in January, annually, of not less than three, whose duty it shall be to see that the bar rules are adhered to.

1800, July 5. At a meeting of the bar, present, Messrs. Edwards, Gray, T. Williams, Lowell, Phillips, Blake, Gay, Rowe.

*Voted*, That Mr. Lowell have the consent of the bar to take into his office as students at law Mr. Charles Lowell\* and Mr. [Aaron H.] Putnam.

1801, April 30. At a meeting of the bar, present, Messrs. Gray, Lowell, Phillips, Gay, Rowe, Sullivan, Paine.

On motion of Mr. Gray, *Voted*, That Mr. Holder Slocum, Jr., be proposed to the Court of Common Pleas for admission the next term.

On motion of Mr. Paine, *Voted*, That Mr. Luther Richardson be considered a student in his office from the 7th of the present month.

On motion of Mr. William Sullivan, *Voted*, That Mr. Richard Sullivan be proposed to the Court of Common Pleas the present term for admission at the next; [and] that Mr. Henry Edes be considered a student in the office of James Sullivan, Esq., from July, 1799, and Gideon L. Thayer from the — day of —.

That David I. Greene and Mr. — Skinner be considered students in said William Sullivan's office; the former from July, 1800, and the latter from the — day of February, 1800.

1801, July 21. At a meeting of the bar, present, Messrs. Edwards, Gray, Lowell, G. Blake, Phillips, Rowe, Quincy, Paine, Thurston, Heard, Jackson.

*Voted*, on motion of Mr. Lowell, That Mr. Humphrey Devereux be recommended, at the next October term of the Court of Common Pleas, for admission to the oath of an attorney of that court the succeeding January term.

*Voted* also, That Mr. George Sullivan be considered a student in the office of James Sullivan, Esq., and Warren Dutton in the office of John Lowell, Jr., Esq., from the present time.

1801, July 25. At a meeting of the bar, present, Messrs. Edwards, Amory, Gray, Lowell, Thos. Williams, Phillips, Blake, Gay, Rowe, Jno. Williams, Heard.

On motion of Mr. Blake, *Voted*, That Mr. Nathaniel Sparhawk be recommended to the Court of Common Pleas for this county for admission at the next October term.

On motion of Mr. Amory, *Voted*, That Mr. Henry Cabot, who for these two years last past has, connectedly with his legal studies, pursued those of general literature, be considered a student in his office

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\* Afterward the Rev. Dr. Lowell, pastor of the West Church.

from the first day of July instant until the first day of July, 1804; and that Mr. Samuel Parker, who has for the last year pursued the study of law in the office of Mr. — Smith, of —, be also considered a student in the office of Mr. Amory, and that three months be deducted from the time he studied with Mr. Smith, he having kept school during that time.

1801, October 6.\*

1801, October 13. At a meeting of the bar in the Court-house, present, Messrs. Edwards, Gray, Lowell, Churchill, Gay, Paine, Everett.†

On motion of Mr. Lowell, *Voted*, That Alpheus Baker be considered a student in his office from the first day of the present month.

On motion of Mr. Gray, *Voted*, That Samuel Mather Crocker be considered a student in his office from July last.

And on motion of Mr. Everett, *Voted*, That Lemuel Shaw ‡ be considered a student in his office from August last.

1801, October 19. At a meeting of the bar, present, Messrs. Gray, Davis, Otis, Phillips, Blake, Gay, Callender, Sullivan, Paine, Waterman, Everett.

On motion of Mr. Gay, *Voted*, That Mr. Artemas Sawyer be proposed to the Court of Common Pleas of this county for admission at the next January term, Judge Davis, one of the committee appointed to consider his case, having so reported.

On motion of Mr. C. Paine, *Voted* also, That his brother, Mr. Thomas Paine, be proposed for admission at the same term.

On motion of Mr. Davis, *Voted*, That Mr. John Knapp be considered a student in his office from July, 1800, and Mr. Thomas Welsh, from

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And on motion of Mr. Otis, *Voted*, That Messrs. Arthur M. Walter, Benjamin Wells, and William W. [S?] Shaw § be considered students in his office from the 20th of March last.

1802, July 13. At a meeting of the bar, present, Messrs. T. Williams, Lowell, Gay, Quincy, C. Paine, Heard, Thurston, Everett.

On motion of Mr. Otis, *Voted*, That Arthur M. Walter be proposed to the Court of Common Pleas at this term for admission to the oath of an attorney of that court at the next October term.

On motion of Mr. Lowell, *Voted*, That he have leave to take into his office Messrs. John Codman, Jr., and James Elliott, as students at law.

On motion of Mr. Charles Paine, *Voted*, That Timothy Fuller be considered as student in his office from the present time.

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\* Nothing but the date is entered.

† David Everett, the author of the well-known lines, —

“ You ’d scarce expect one of my age  
To speak in public on the stage.”

He was more of a journalist and writer than a lawyer. See Duyckinck’s *Cyclopædia*, vol. i. pp. 589, 590.

‡ Afterward Chief Justice of the Commonwealth.

§ All three members of the Anthology Club, and two, Walter and Shaw, founders of the Boston Athenæum.

And on motion of E. Gay, *Voted*, That Timothy Boutelle be considered a student in his office from the month of June last.

1802, October 29. At a meeting of the bar, present, Messrs. Gray, Lowell, Adams, Blake, Gay, Rowe, Heard, Thurston, Everett.

On motion of Mr. Heard, *Voted*, That Mr. David Bradley be considered a student in his office from April last.

On motion of Mr. Lowell, that a committee be appointed to determine what further time Mr. Warren Dutton, a student in his office, shall prosecute the study of law to entitle him to a recommendation to the Court of Common Pleas for admission to the oath of an attorney of that court, *Voted*, That Messrs. Gray, Adams, and Quincy be a committee for that purpose.

On motion of Mr. Everett, to have liberty to take into his office Mr. Aaron Emmes as a student, *Voted*, That the above-named committee be a committee to determine on what terms said Emmes shall enter said office, he not having received a liberal education.

1803, April 26. At a meeting of the bar, present, Messrs. Gray, Ward, Lowell, Phillips, Quincy, Rowe, Sullivan, Heard, Gurley.

The committee on Mr. Warren Dutton's case reported that he be recommended to the Court of Common Pleas for admission in July next, which was accepted.

On motion of Mr. Lowell, *Voted*, That Aaron H. Putnam be recommended for admission at next July term.

On motion of Mr. Phillips, *Voted*, That Israel Munroe\* be proposed for admission at the same term.

On motion of Mr. Otis the same vote was executed in favor of Benjamin Wells.

On motion of Mr. Parsons, a similar vote was executed in favor of Benjamin Marston Watson.

On motion of Mr. William Sullivan, *Voted*, That James T. Austin be considered a student in his office from ——— last.

1803, April 29. At a meeting of the bar, present, Messrs. Davis, Amory, Otis, Adams, Blake, Gay, Rowe, Wm. Sullivan, Heard, Thurston.

On motion of Mr. Otis, *Voted*, That Mr. Josiah [John?] Knapp be proposed for admission to the Court of Common Pleas next July term.

A similar vote was executed on motion of Mr. G. Blake in favor of Adam Winthrop.

1803, Friday, December 9. At a meeting of the bar in the Court-house lobby, present, Mr. Parsons, the Solicitor-General,† Messrs. Amory, Hall, Gray, Rowe, Sullivan, Heard, Jackson.

Mr. Parsons requested permission of the bar to take into his office Mr. Elliot as a law student during the absence of Mr. Lowell, with whom he had heretofore studied, Mr. Parsons having already three students in his office.

\* This name was written Munson, and has been corrected with a lead-pencil.

† Daniel Davis was appointed solicitor-general, Jan. 29, 1801.

On motion of Mr. Amory, *Voted*, That Mr. Parsons have permission to receive Mr. Elliot into his office to prosecute his studies there during the absence of Mr. Lowell.

*Voted* also, That Mr. William Minot be considered a student in Mr. Hall's office from June, 1802.

1804, January 9. At a meeting of the bar in the lobby of the Court-house, present, Messrs. G. Blake, J. Rowe, C. Paine, W. Thurston, E. Jackson, C. Davis, R. T. Paine, Jr.

Mr. C. Paine requested the gentlemen of the bar to determine what further time should be required of T. Fuller, Jr., a student in his office, to prosecute his studies previous to admission to the Court of Common Pleas, he having kept school while a student with Judge Lincoln at Worcester. *Voted*, That Messrs. Blake, Rowe, and E. Jackson be a committee to consider of this application and report thereon.

The committee to whom the case of T. Fuller, Jr., was referred reported that said Fuller be recommended to the Court of Common Pleas in July next for admission the succeeding October term.

At a meeting of the gentlemen of the bar, holden at the Court-house on the 20th of July, 1804, the above report, which was made at the last January term, was taken into full and mature consideration, and the same was accepted.

CHAS. DAVIS, Clerk *pro tem*.

1804, April 25. At a meeting of the bar, present, Messrs. Hall, Gray, Churchill, Gay, Rowe, C. Paine, Thurston, W. Sullivan, Heard, Stackpole, A. Dexter, Knapp, Thatcher, Selfridge, Munroe, Winthrop, Dutton, Parker.

*Voted*, on motion, That a committee of five be appointed to review the regulations respecting practice, and make such alterations therein and additions thereto as they shall judge necessary.

*Voted* also, That Messrs. Gray, Phillips, Wm. Sullivan, C. Paine, and Selfridge be a committee for the above purposes, and that when they shall be ready to make their report that they call a meeting of the whole bar at Vila's to receive the same.

1804, May 2. At a meeting of the bar, present, Messrs. Edwards, Gray, Gay, Callender, C. Paine, Jackson.

On motion of Brother Callender, *Voted*, To recommend Mr. Thomas Welsh, Jr., to the Court of Common Pleas for admission to the oath of an attorney of that court at the next July term.

Mr. George Sullivan was also recommended for admission at the same term.

1805, March 18. At a meeting of the bar, present, D. Davis, E. Gray, B. Whitman, W. Sullivan, C. Jackson, C. Paine, C. Davis, E. Jackson, Wm. Thurston, L. Richardson, Esqs.

Upon the representation of Luther Richardson, Esq., stating that a dispute had arisen between him and William Austin, in which the latter had charged him with dishonorable conduct in his profession, and

praying that the bar would take the same into consideration, *Voted*, That a committee of three be appointed for that purpose and report thereon as soon as convenient, and that the Hon. C. Gore, Hon. D. Davis, and William Sullivan, Esq., be that committee.

1805, Tuesday, March 26. At a meeting of the gentlemen of the bar at Vila's, present, Messrs. Edwards, Amory, D. Davis, Gray, B. Whitman, Jno. Phillips, G. Blake, Quincy, Wm. Sullivan, C. Jackson, C. Paine, Churchill, Heard, Thurston, Selfridge, C. P. Sumner, C. Davis, Thacher, E. Jackson, Wm. H. Sumner, Allen.

Mr. Amory presented an application from Mr. Robert Fields, requesting that he might be recommended to the Court of Common Pleas for admission to the oath of an attorney of that court. It was voted that this subject subside until after the report of the committee appointed to revise the rules and regulations of the bar should be disposed of. The said report was then read, and each article was considered and adopted separately as far as the fifth. It was then moved to accept the whole report, which motion was carried. The said report is accepted accordingly, and recorded in Bar Book No. 2.

It was afterward voted that a committee of five be chosen to consider the application of Mr. Fields and report thereon. The Solicitor-General, Messrs. Amory, Phillips, Blake, and C. Davis were chosen for that purpose.