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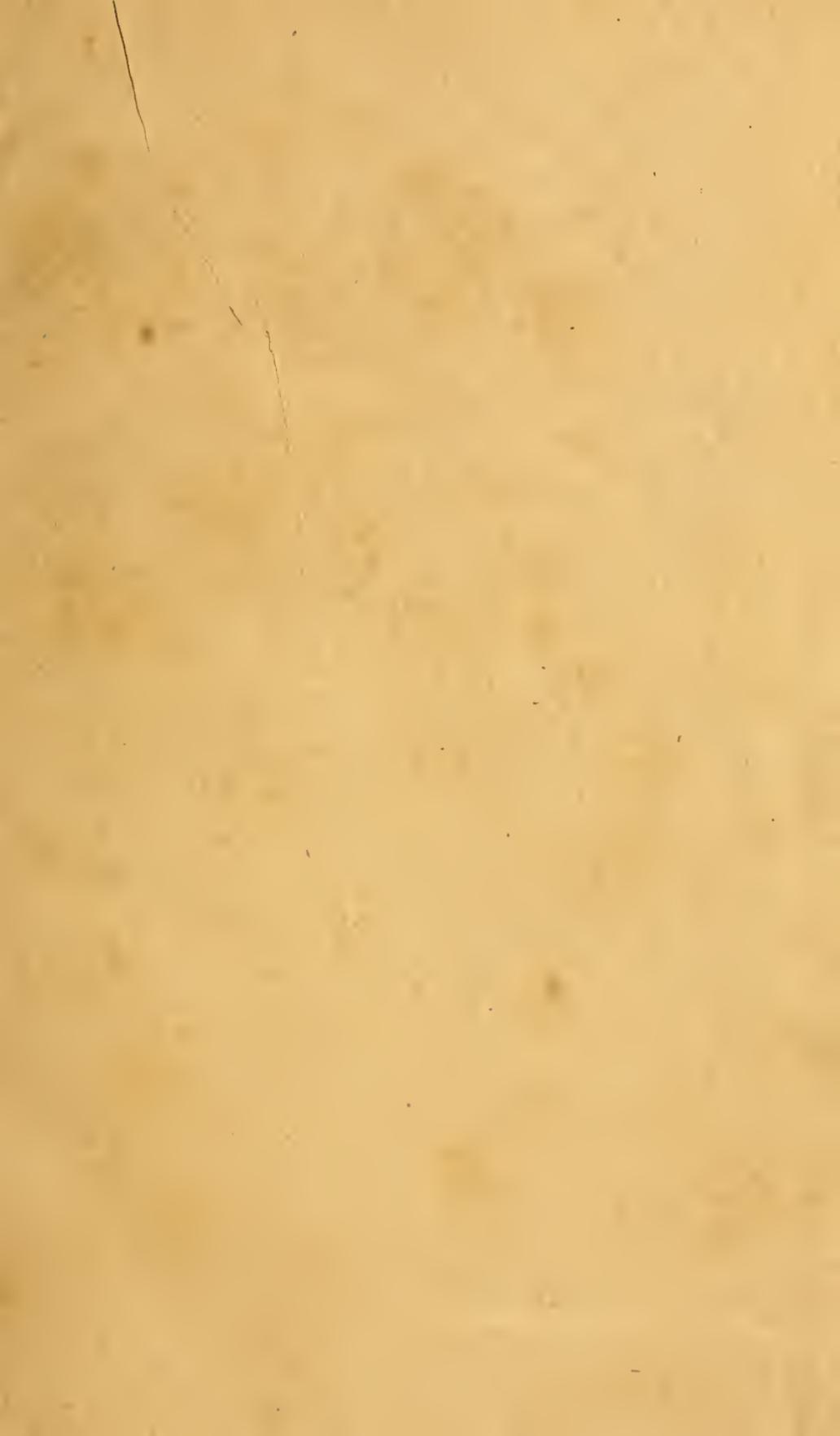
SHELF N^o

★ ADAMS

210.13



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John Evans
respectfully presents
to

John Adams Esquire
late President of the
U. States of America

Philad^a June 4. 1812

W. H. BROWN &

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ADAMS 210.13

2121

A NARRATIVE

OF THE

PROCEEDINGS OF THE RELIGIOUS SOCIETY OF
THE PEOPLE CALLED QUAKERS,

IN PHILADELPHIA,

Against

JOHN EVANS.

TO WHICH IS ADDED :

A REPORT OF THE EVIDENCE DELIVERED ON THE TRIAL
OF THE CASE OF

JOHN EVANS,

VERSUS

ELLIS YARNALL AND OTHERS:

WITH AN APPENDIX,

Compiled under the direction of

JOHN EVANS.

*Adams
210.13*

*"Is it so; that there is not a wise man amongst you? Not one able to judge
between his brother?"* *Bolton*

1st CORINTH. CHAP. VI. v. 5.

*"We wrestle not against flesh and blood; but against principalities and
powers: against rulers of the darkness of this world: against spiritual wick-
edness in high places."*

EPH. CHAP. VI. v. 12.

SOLD BY THOMAS DOBSON, NO. 41 SOUTH SECOND STREET,
PHILADELPHIA, AND BY THE OTHER BOOKSELLERS.

1811.

10951

DISTRICT OF PENNSYLVANIA, *TO WIT:*

(L. s.) BE IT REMEMBERED, That on the first day of January, in the thirty-fifth year of the independence of the United States of America, A. D. 1811, John Evans of the said District, hath deposited in this Office, the title of a book, the right whereof he claims as proprietor, in the words following, to wit: "A Narrative of the Proceedings of the Religious Society of the People called Quakers, in Philadelphia, against John Evans. To which is added: A Report of the Evidence delivered on the Trial of the Case of John Evans, *versus* Ellis Yarnall and others: With an Appendix compiled under the direction of John Evans.

"Is it so; that there is not a wise man amongst you? Not one able to judge between his brother?"

1st Corinth. chap. vi. v. 5.

"We wrestle not against flesh and blood; but against Principalities and Powers: against rulers of the darkness of this World; against spiritual wickedness in high places."

Eph. chap. vi. v. 12.

In conformity to the Act of the Congress of the United States, intituled, "An Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned." And also to the Act, entitled, "an Act supplementary to an Act, entitled, 'an Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the time therein mentioned,' and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

D. CALDWELL, Clerk of the District
of Pennsylvania.

JOHN ADAMS & Co., PRINTERS,
N. W. CORNER OF ELEVENTH AND LOCUST STREETS,
PHILADELPHIA.

INTRODUCTION.

TO THE READER,

IN consequence of the intended publication of the proceedings on the trial between myself and the overseers and some of the committee, of the religious society of the people called Quakers in Philadelphia, in justice to myself, and for the information of my fellow citizens, I have been induced, contrary to my inclinations, to lay the following narrative before the publick.

IT was my sincere desire, that the curtain of oblivion might be forever drawn over the transaction between the defendants and myself; and no exertion of mine has been wanting, to prevent the publication of the court proceedings; conceiving myself bound in that event, to publish to the world a narration of circumstances, which were not exhibited to the court, in justification of my conduct, as one of the assignees of John Field and John Field & Son, and for the information of their creditors.

BUT, as this desirable end was not effected, it becomes an indispensable duty to myself and my fellow citizens, that the proceedings which originated the prosecution, as well as the prosecution itself, should be exhibited to the publick, that the merits of a cause which has excited much interest amongst the citizens of Philadelphia, might no longer remain in obscurity.

THE method which presents as most eligible for this purpose, is, by exhibiting at once, a narration of the circumstances, which formed the ground of action in this case.

AND as there are many documents, which have never before appeared, but which are connected with the transaction, I presume they will be acceptable to the reader, since they

serve to show, to a considerable extent, the great question, which was the motive of the prosecution.

JUSTICE due to myself, demands a full disclosure of facts, on which I have rested the justification of my conduct, as plaintiff in the late action; and to the community in general, and the Quaker society in particular, the disclosure is rendered absolutely necessary.

THE defendants being overseers, and others of great influence in the society, the prosecution was made to assume an importance foreign to its policy; as being an attack upon the discipline, in which the whole society became interested. The defendants availing themselves of this interest, and with a view to augment their force and influence, introduced the case into the "meeting for sufferings," where a committee of three or four persons (of whom Nicholas Waln acknowledged he was one, though he would not inform me the others) was appointed; though no minute made on the occasion, to advise with, and assist the defendants.

THE pretence thus set up by the defendants, that the interest of the society might be excited in their favour, was an unjustifiable imposition. The object of the prosecution, was not the discipline; nor the interests of the society; nor were the overseers and committee made defendants, because they were the official representatives of the meeting! No; the prosecution was against the tyrannical and unjustifiable conduct of the defendants as individuals, not for *using*; but *abusing* the discipline! Not because they were overseers and members of the monthly meeting; but because they had acted in an unlawful and persecuting manner!

It was proved upon the trial, and previously before the meetings, that the overseers had proceeded contrary to discipline; yet notwithstanding the evidence of a fact, directly in the teeth of the pretensions alleged by the defendants, their influence in the society prevailed over the meeting for sufferings; who having, by wilful misrepresentations, secured in their interests, they advanced in their defence the very laws,

which they had before violated ; and were supported throughout the trial, by the attendance of many hundred active members, as though the prosecution had been levelled against their existence, as a religious body of people.

THUS by an imposition practised upon the society, the plaintiff laboured under many prejudices, which, but for this cause, had never existed. The defendants throwing aside their private characters, proceeded to vindicate their official conduct as the representatives of the Quaker society ; but exhibited no kind of proof to show the propriety of their proceedings. Thus by allegations unsupported by facts, the defendants used every effort to excite prejudice against the plaintiff for daring to oppose the discipline, or to question the right of its adoption ! Whereas the plaintiff on the contrary, tested the propriety of his conduct by the same discipline ; and urged the rules applicable, as he conceived, in his justification.

THIS manœuvre of the defendants, like all others, had its object ; and, throughout the whole of their defence, the principles which previously characterized their proceedings against the plaintiff were clearly distinguishable.

WHEN we consider the manner in which the business originated and came before the Quaker society—when we view the members, as passive instruments, tacitly contributing to the measures enforced against me by silent vote ! without a single explanation ! without any charge, real or supposed, which could affect my moral or religious character ! it is to them, though at this late period, a desirable object to be made acquainted with circumstances, of which they have heretofore been totally ignorant.

MY name was publickly exposed on the minutes of the meeting, as though I had been a notorious offender. I was accused of having a “ difference ” with another member ; but the nature and circumstances of the accusation were not made known to me nor to my fellow members : nay, the suppression of the name of my accuser, formed another prominent feature in this mysterious affair ; and rendered it

impossible to conjecture the nature of a complaint, where neither accusation nor accuser were even whispered at the bar of this tribunal.

THE mystery which veiled these transactions from the publick eye, is now dispersed. In a court of justice, the affair has been developed. But many facts connected therewith, were proscribed by circumstances, from giving that evidence, which the nature of the case demands; and as these facts form an essential part of this compilation, their force must be admitted as full evidence, in the mind of every unprejudiced citizen.

MANY and various reflections, highly injurious to my character, have been entertained by those ignorant of the real situation of the business; and no doubt, with a liberal hand, the most unfounded imputations have been heaped upon me, as the supposed offender against the discipline of the Quaker society. But this was natural; when a member is arraigned as a violator of their laws—when all is so carefully managed, and covered with such mystery! unknown, and impenetrable! except to those who are admitted into the great SANCTUM SANCTORUM!—where their proceedings, bid defiance to the most persevering scrutiny. I say they could not, they dare not think otherwise, than that he was guilty of misconduct, and of course, a violator of their discipline. Such impressions did not keep within the limits of the meeting where they originated. They soon diffused throughout the society, and created a shyness, a distrust, an oblique friendship; the necessary consequence of such imputations! Nor was this all; but persons of other religious denominations, led by appearances, were equally liable to be deceived, and to be unduly influenced by the circumstances! My moral character would, therefore, suffer in the estimation of my friends—in the estimation of the world!

THESE are some of the evil consequences resulting from the wanton exercise of uncontroled ecclesiastical power! But in this instance, though some of the above consequences have, in part, been produced; yet, without the pale of the society, I

trust, I am not the less respected; and within its limits, none have imputed to me the least moral defect.—No, not even amongst my enemies.

IT is to the thinking, the considerate part of the community I appeal. I wish not improperly to influence your judgment. Far be it from me to raise any impressions, not warranted by truth and justice.

JUDGE then for yourselves, on an impartial view of the merits of this transaction. You observe my character, against which, the tongue of calumny has not dared to breathe, exposed to the unmerited strictures of numerous assemblies! My name bearing the odium of a defaulter in my duty, is publicly mentioned in the most humiliating terms, and coupled with an infamous accusation! That on my case, numerous committees were appointed, and frequent reports made, to the prejudice of my moral character!

CONSIDER also, that this case, carried on in religious assemblies, and bearing the seeming features of moral and religious turpitude, originated in the exercise of a civil right, as the acting trustee to a large interest, and in the exercise of which, I was protected by the laws of my country: And then, can you fail to express your just abhorrence of transactions, not only contrary to the discipline of that society, but contrary to every principle of law, reason, equity, and justice!!

JOHN EVANS.

Philada. Dec. 24th, 1810.

IN order properly to develop the subject relative to the meetings, it will be necessary to take a view of the circumstances preceding that event.—And though this preliminary part of the subject may be somewhat prolix, it is unavoidably rendered so by the complicated situation of the business, and the difficulty attending an arrangement of it.—But notwithstanding the difficulties which present in a regular procedure, I shall endeavour to take up the subject at its commencement, as the most likely to produce a gradual disclosure of all the subsequent events.

IN the month of April, 1799, John Field and John Field & Son made assignments to John Evans, Philip Nicklin, Robert Smith, and Thomas Clifford, of a considerable part of his and their landed property, in trust, for the benefit of their creditors, which assignments were directed to be acted on at certain limited periods, viz. one of the assignments in two, and the other in three years from the date.

AFTER the expiration of those terms, the trustees consulted together on the business. The duties pointed out by the deeds of trust were so obvious that no apprehensions were then entertained of any error in the immediate discharge of them. But John Field creating some difficulty by representing modes different from those entertained by the trustees, they, at his request, and for his satisfaction, applied to William Rawle, Esq., attorney at law, for his opinion on the mode they should adopt, and he directed them by written opinion of January, 1803, to proceed immediately to make sale of the property, agreeably to the deeds of trust.

Copy of Opinion of William Rawle, Esquire.

“ON a consideration of the two assignments made by John Field & Son on the 11th of April, and by John Field on the 13th of April, 1799, I am of opinion that it is the duty of the assignees to proceed to a sale of the property therein stated.

“THE term of time mentioned in each case having expired, and sales to the amount therein respectively specified not having taken place, they cannot with safety longer delay the executions of the further trust contained in the deeds, which in legal operation they have covenanted to perform.

“A favourable sale for cash, by private contract, is, I presume, out of the question.

“IT then remains that they try the chance of a public sale, and it is their duty to endeavour to collect the sense of the creditors, as soon as may be in regard to the terms.

“FOR this purpose it would be proper that they advertise a meeting of the creditors, to be held as soon as conveniently may be. And as the deeds direct that a majority in value shall govern, a proper mode of ascertaining the amount respectively due, must be adopted, if the assignees are not already in possession of it: for this purpose the form of an advertisement is annexed.

“THE part which relates to this point may, however, be omitted, if the assignees are in possession of a satisfactory statement of the debts of these houses.

“THE directions of a major part in value, are to govern by the words of the deed, as to the terms of credit, in case a sale be made on credit; but there is no direction as to the power of a bare majority in value, to guide or control the operations of the assignees, as to any other part of their trust.

“ IN all other points therefore, it is their duty to adhere to the spirit and meaning of the instrument, unless all or nearly all the creditors should agree with them in any deviation from it.

“ I USE the words “ nearly all,” because, although by strict care, nothing short of the consent of every individual interested could justify them, in respect to every individual, in case of deviating from the essential parts of the obligation they have entered into as trustees, yet some modifications, or relaxations, may be supported or excused by showing that a large proportion of the creditors assented.

“ THIS is the general view of what it appears to me the assignees are at present required to do.

“ No specific questions being put, I can only declare my readiness to enter into detail when so requested.

(Signed)

W. RAWLE.

Philad. 17th January, 1803.”

ADVERTISEMENT.

“ THE creditors of J. F. and J. F. & Son are requested to meet their assignees in _____ at _____, when they will be pleased to produce a statement of their respective accounts against the said two firms.

“ THE business being of much importance, a special attendance is particularly requested.”

WHEN the result of his opinion was known, John Field evaded it by applying to another attorney, and by keeping from them the documents and papers relating to the lands so conveyed. He also kept the original assignment of John Field & Son, handed him to be recorded, but which he never again returned to them, though often demanded.

IN the year 1804, John Field produced to the

trustees a power of attorney which he requested them to sign, constituting him sole agent in the management of the trust estates; which power being considered exceptionable by the assignees, was not executed.

It may be proper to remark here with respect to the opinion produced by John Field—also the power of attorney—that the first being totally different from the meaning, intent, and purpose of the trust, if acted on by the trustees, would render them responsible, in case of any dissenting creditor; that the second placing the sole power of the trusteeship in the hands of John Field, without any reservation and without the control of the trustees, was conveying to an agent, under existing circumstances, more powers than delegated to the principals.

THOSE two instances sufficiently evidenced the designs of John Field, in a determination to obtain, if possible, the sole management of his affairs, and to this end he incessantly laboured.

IN the month of July, 1804, three of the trustees, viz. Robert Smith, Philip Nicklin, and Thomas Clifford, without calling a meeting of the creditors by publick advertisement, by power of attorney, constituted John Field agent in transacting the business of the trustees, granting him also a salary of \$ 2500 per annum for three years, besides paying all contingent expenses that might arise in the prosecution of his agency. John Field having thus prevailed on the above-mentioned trustees, ventured to solicit the signature of John Evans, for by the original assignments it was rendered necessary that all the assignees should join in any act which might be done under them.

AT the time this power of attorney was presented by John Field, it was the first intimation John Evans had of the annual sum to be given him. It being repugnant to the conditions of the assignments, and

vesting in the agent more powers than possessed by them, he immediately protested against the proposed sum, as well as against the powers delegated. Notwithstanding the power of attorney was not fully, and of course not legally, executed to become valid and sufficient for the purposes therein expressed, John Field advertised that by virtue of such power he was constituted the agent of the trustees in the settlement of his own and Field and Son's estates. He also advertised a large quantity of land conveyed by assignments to the trustees to be exposed to publick auction at the Merchants' Coffee House. From a sense of duty to the trust, and acting under the advice of counsel, opposition to the sale was made by the dissenting assignee, John Evans, by publick advertisement, and also at the time and place of sale. John Field was consequently defeated in the execution of his plans, and from that period commenced an avowed enmity to John Evans.

SOME short time after this extraordinary affair, the three trustees saw the impropriety of John Field's agency, and consulted with John Evans by their attorney, James Gibson, esquire, relative to a revocation of the same. John Evans referred the consideration of it to his attorney, Moses Levy, Esq. who drew up an agreement in substance as follows, viz.

“FIRST, that the said three assignees would revoke immediately the letter of attorney granted by them to John Field, and would discharge him from any agency in relation to the said trust now, and at all times hereafter.

“SECONDLY, that they would immediately enter upon the execution of the trusts, and advertise the creditors to bring in their accounts.

“THIRDLY, that they would immediately appoint one or more active agents in the place and stead of the said John Field, to examine the lands conveyed by the deeds of trust, and to report and advise generally the measures necessary to bring them into

operation, and will themselves dispose of them to best advantage, &c.

“FOURTHLY, that they will, without delay, adopt the measures best calculated to promote the interests of the concerned, and expose the said lands to sale as soon as it can be done, so that the end and purpose of the trusts may most speedily be answered.”

THE above is a literal copy of the stipulations on the part of John Evans, through the medium of his attorney; which, together with a rough draft of a revocation of the power of attorney, agreeably to first article; also an advertisement agreeably to second article, were handed to James Gibson, Esquire, for consideration. On the 5th of September James Gibson returned an answer on the foregoing articles as follows, viz.

“DEAR SIR—I have received your note, enclosing a letter for the trustees of John Field and John Field & Son, which I will forward to those gentlemen. I cannot however recommend to those gentlemen to enter into any stipulations with Mr. Evans on the subject. It is their wish to be discharged from the trust *entirely*, or if this cannot be done, to bring the same to a close as soon as possible. Perhaps a meeting of the trustees and creditors may have a tendency to promote this measure. The measure of dismissing Field appears extremely proper, except so far as his services may be useful as an assistant, but not as principal agent. This measure I shall certainly recommend.

I remain, dear sir,

Your most obedient servant,

(Signed)

JAMES GIBSON.

To Moses Levy, Esq.

Sept. 5th, 1805.”

THE three assignees, agreeably to the recommendation of their attorney, dismissed John Field by revoking the power of attorney which they had given him. And on the 18th day of April 1806, they,

in conjunction with John Evans, demanded by letter to John Field all papers &c., relating to the lands contained in the assignments made to them; directing him to deliver the same to John Evans. At the same time advertising in the publick papers, for the creditors of John Field and John Field & Son, claiming under the deeds of trust, to bring in their accounts to John Evans.

(Copy.)

“THE assignees of John Field, and John Field & Son, desire John Field to deliver to John Evans, all papers relating to the lands contained in the assignments made to them. It is also their wish, that he would give them general information in writing, respecting the circumstances attending them; as it will aid them in arranging the business:—and be assured, the general benefit of the concerned, shall claim their attention.

signed,

JOHN EVANS,
ROBERT SMITH,
PHILIP NICKLIN,
THOMAS CLIFFORD.

Philadelphia, April 18th, 1806.

JOHN FIELD.

NOTICE.

“ALL persons, having any demands against the estates of John Field, and John Field & Son, claiming under the deeds of trust, are requested to bring in their accounts early, properly attested to John Evans, No. 58, South Second Street.

JOHN EVANS,	} <i>Assignees of</i>	
PHILIP NICKLIN,		} <i>John Field,</i>
ROBERT SMITH,		} <i>and John</i>
THOMAS CLIFFORD.		} <i>Field & Son.</i>

Philadelphia, April 12th, 1806.

(Daily for two weeks.)

Copy taken from the original, by

J. E. REDMAN.

WHEN these measures were about being concerted by the trustees unanimously, and there was every prospect of some efficient steps being taken on behalf of the trust estates, John Field applied to an attorney at law, for the purpose of removing the trustees, and appointing commissioners to succeed them; and he called a partial meeting of his creditors, to sanction and cover his schemes.* One of those creditors, so notified, (Thomas Wotherspoon) handed the written notification to John Evans, wherein the intentions of the proposed meeting, were expressed—to which I refer, dated April 8th, 1806.

“ Respected friend,

“ SOME of the creditors have thought of applying to the Court of Common Pleas, to sit in a few days, by petition, to see if the court will not remove the trustees, and appoint commissioners to settle the trust business; and Edward Tilghman being applied to, he wishes to confer with some of the creditors on the subject. I request, therefore, thou wouldst be so obliging as to call on him this evening, or get William Todd to do it.

“ I CAN see no prospect of any thing else that will afford relief, and enable me to settle my affairs; and hope thou wilt unite in support of this measure. As to the property under the concern, it will be difficult, and probably not practicable, to obtain any thing of consequence.

I am,

thy respectful friend,

(Signed)

JOHN FIELD.

4mo. 8th, 1806.”

* As was usual with John Field, he never called a meeting of his creditors by publick advertisement; and, in this instance, to prevent a general attendance, he gave notices to those only, whom he considered most likely to be influenced by his representations, and would accede to his plans.

THUS it appears, every mode was projected by John Field, save the only one which, by the deeds of trust, was made necessary. What intentions he might have had, in thus endeavouring to counteract the meaning of those instruments, I will not pretend positively to declare. But we may conjecture, (and this from no want of evidence,) that from the embarrassments necessarily ensuing, and the great responsibility of the trustees in the event of their acceding to *his* plans; I say, we may safely conjecture, that he intended to mislead and embarrass them, that the responsibility of their own individual property, might make up the deficiency of that conveyed by himself, and John Field & Son.

It will easily be seen, that John Evans would not agree to measures, obviously calculated to subject the persons and property of the trustees to difficulty. The whole tenor of his former conduct, as well as the sentiments he still entertained, relative to the trust, required no hesitation to object to plans obviously disadvantageous. John Field still persevered, however, in his endeavours to obtain the agency in the management of the trust business, and was but too successful in paralyzing all the efforts of the trustees, in their determinations and movements in the execution of the trust which they held. It is a fact, not to be controverted, that whenever any steps were taken by them, he retarded their progression, by evading the execution of them; by applying to counsel; by misrepresentations; by calling partial meetings of his creditors, composed of such characters, as were most likely to be influenced by his misrepresentations; by detaining in his hands, every document appertaining to the trust; which rendered it impossible to proceed, not having any knowledge of the business; and finally, by complaining to the overseers of the religious society of the peo-

ple called Quakers, against John Evans, then a fellow member.

THIS complaint to the overseers by John Field, was supposed to be founded on a letter written by John Evans, as an assignee of John Field, under the trust, to John Baker, Esq. also an assignee to him under a statute of bankruptcy.—Letter dated August 9th, 1804.

(Copy.)

“ *Philadelphia, August 9th, 1804.*

JOHN BAKER, ESQ.,

*One of the assignees under the bankrupt act, to
John Field.*

“ HAVING verbally requested thee, as assignee to John Field, to furnish me with documents relative to a real estate at Frankfort, Kentucky, which I bought of John Field & Son, upwards of two years since, and which I wish to have early issued. In the sale of it, he committed a fraud on me, it being at that time, and a twelvemonth before, in a court of chancery; and he did not inform me of it, and which I since found by the proceedings in chancery, handed me by Colonel Todd, Esq., to whom I sent the deed to be recorded.

“ THERE have now more than two years elapsed since I had a conveyance of the property, and J. Field has not done any thing to forward a settlement of the business, either by himself, or informing me; and when I have applied to him for information on the business, he has not only refused it, but insulted me by saying, my interference was highly improper, which is adding insult to injury, especially when the property was taken contrary to inclination, instead of cash; and such treatment, could only be thought of, by a man of such effrontery as J. Field.

I HOPE my friend Baker, as acting assignee to J. Field under the bankruptcy, may not by his

friendship to him experience, as I have, both abuse and loss by it. And permit me, as a large creditor, to inform him, as I have P. Nicklin, R. Smith, and T. Clifford, assignees under the trust, that I consider the powers granted to J. Field by them and thee, are not warranted by common practice; the nature of the trust; or the general character of the man to whom it is committed, and a dangerous precedent in civil society.

“ANNEXED is a copy of some extracts I sent them as a protest against the proceedings, with a declaration, that I never would come into the measures, but would legally oppose it, as it was improper in itself; and I had not confidence in the honesty and integrity of John Field, to execute it justly.

“I ALSO informed them that I had many objections, which I did not consider necessary then to go into, but one pointed one I mentioned, that was, I heard John Field say, if he had the agency from us, he would early sell the property assigned to us in trust, and, by a friend, purchase it in for himself; under the present depressed circumstances, and no doubt, as is usual with him, to his own advantage and the loss of his creditors. I am credibly informed the property is valuable; and if the business is conducted properly, might bring a considerable sum: but, be that as it may, the appointment is improper; the mode to effect it is unprecedented, and will ultimately fail, and *cannot be* effected; though it may cause a longer delay to the injury of the honest creditor, on whose property, John Field has now lived above seven years. By the sum he is now allowed for three succeeding years, say \$ 2500 per annum, besides contingent expenses in the business, it appears, considering his small family, it was intended he should keep his carriage and pair of horses at the expense of an already unjustly, and shamefully treated lenient creditor.

“ I WAS not consulted as an assignee, at the time the agency was agreed on, and did not even know, nor in the least suspect, the annuity intended him till it was presented to me for my signature; but I always protested against John Field’s having any thing to do as an agent in the business, having no confidence in his integrity, justice, or honesty, these several years past.

“ THUS, my friend, this plain statement of facts is truly unpleasant, especially when I consider it as it relates to a person, for whom, I once had respect and esteem; and indeed, I must acknowledge my credulity for a long time, in placing a mistaken confidence in his repeated assurances, abilities to pay, and resources, but too late, I found his deception. As I have been censured by some, for my friendship to him, it is necessary to inform:—as a friend, I early opposed the mode he adoped in settling his business, and repeatedly advised to a fair, honourable, just, and equal payment to his creditors by instalments; which, had he adopted, I have no doubt would have been honourable to himself, justice to his creditors, and his situation and character, as well as property, would have been very different from what it is at present.

“ HAVING briefly stated circumstances, it only remains to add—justice due myself, abstracted from such treatment as I have received from him, as well as the trust I have taken on behalf of many of my fellow citizens, compel me to act, as I consider due myself, and good faith and trust claim on me, under the appointment.

I am, respectfully thy friend
JOHN EVANS,

*One of the assignees of J. Field, & J. Field & Son,
under the trust.*

P. S. I have sent a fee of thirty dollars lately to an attorney at law, to bring the business at

Frankfort, Kentucky, to an issue.—Again earnestly request, that thou wilt furnish me with documents on the occasion.

Extract from my letter dated July 18th, 1804, to Philip Nicklin, and others, assignees to J. Field, and J. Field & Son.

“ I OBJECT to the large sum of two thousand five hundred dollars per annum, being paid John Field for three succeeding years, as he has lived on his creditors’ property already seven years.

“ OBJECTIONS to constituting a debtor an agent generally, and in the case of John Field it will peculiarly apply; he having prevented any special information of his affairs to his creditors or assignees, and his general conduct from the origin of his drawing the large amount of his bills of exchange on London, in the fall of 1796, which were not paid, and constituted a large proportion of his debts in this city, and joined to his subsequent conduct, has destroyed confidence in him.

“ 1ST. It destroys public confidence and trust.

“ 2ND. It places individuals in special favour, who are assignees or men of influence.

“ 3D. It leaves the weak and ignorant creditor, to a designing debtor’s mercy; and, he covers his actions, by the agency of others.

“ 4TH. It places it out of the power of the creditor, to call on the debtor in a legal way; prevents common justice, and destroys the very nature and principles of an assignment in trust.

“ 5TH. It has a tendency to corrupt morals, by the debtor’s secreting his property; increases his effrontery, subverts justice, familiarises fraud, and opens the way to many serious evils.”

(Original delivered to me, by John Baker.)

J. E. REDMAN.

THE above letter was written in consequence of a purchase made by John Evans of John Field & Son, of a real estate in Frankfort, Kentucky, or rather, a property conveyed to him in part consideration of his claim on the estate of John Field & Son, which had, from the time of conveyance, in April, 1802, and long before, to the date of this letter, been in a court of chancery. When this conveyance was made, no reservation was expressed in the deed, or any thing of a disputed title intimated to John Evans. The deed of conveyance being full and clear, which, together with a statement from John Field, rendered at the time, charging a year's arrearage of rent, implied possession of the property, and a good title in fee. He therefore, as is customary, forwarded the deed to Col. Todd, resident in the county where the property was situated, in order that the deed might be put on record. Some time afterwards he received from Colonel Todd, then one of the judges of the court of chancery, a full and long detail of the situation of the property in dispute in that court, which had never been in Field's possession. It therefore became necessary to take measures to recover the property, but this was not to be done but by application to John Field for the proper documents relating thereto. On application being made, John Field informed that he could best conduct the affair, and that John Evans' interference was highly improper. He expressed regret at the deed being forwarded; because it tended to an exposure of the business, he not having done any thing latterly to defend the claim.

REPEATED application was made to John Field, but without effect; as he constantly asserted he was most competent to manage his own business, and that the interference of another was highly improper. No steps could be taken by John Evans to

defend the property without documents, and John Field absolutely refusing to furnish them, he wrote to John Baker, Esq. one of his assignees under the bankruptcy, wherein this subject is fully stated, requesting of him, as an assignee, the documents and information which he claimed, relative to the property. He could not fail, as a man of character, to express astonishment and indignation at the treatment he received from John Field, and in this letter frankly expresses his opinion.

IN consequence of John Field's representation * to the overseers, one of them called on John Evans, and by him was fully informed of the treatment he received from John Field, as in the letter expressed, which letter was handed to the overseers, with sundry papers on that subject, and after keeping them a considerable time, they returned them again to him without any objection. This complaint was therefore considered finally settled.

JOHN EVANS still objected to the appointment of John Field, and continued to repeat his demand as a trustee, by virtue of the joint letter from all the trustees herein before mentioned, for the documents and papers relating to the trust. These demands were made on account of an expectation to employ an agent by the whole of the trustees, to examine relative to the lands held in trust, in order that a sale of them might be effected.

* It is necessary here to observe with respect to the complaint made by John Field, that although the letter to John Baker was held out as the ostensible ground, another object was in view. John Field entertained an idea that preferring a complaint in this way, would act as a compulsory measure to procure his appointment as an agent. This is not mere conjecture, for though the business was intended to be veiled in mystery, but by the conversations that passed on the subject it was evidently the intention of John Field to become by this means the agent of the trust. Indeed it was so clearly implied, that when John Evans mentioned that he could not appoint him *conscientiously* for the various reasons particularized in the letter to John Baker, it at once settled the business.

(Copy.)

*In the Supreme Court of the State of
Pennsylvania.*

J. Evans v. Ellis Yarnall et al.

“GEORGE DAVIS, a witness on the part of the plaintiff in the above cause, being produced, sworn, and examined, declares and says, that he recollects that in the year one thousand eight hundred and five, to the best of his belief he was spoken to by John Evans the plaintiff, one of the trustees of John Field, and John Field & Son, who expressed his wish that he, George Davis, would act as the agent of the trustees in the business of John Field and John Field & Son, and examine a large body of lands held by them, under deeds of trust, together with the general circumstances attending the same, and make report thereon, in order that a fair and equitable sale of them might be made at publick vendue, or otherwise, as circumstances might require. That several conversations took place between the witness, Mr. Evans and Mr. Nicklin, one other of the trustees on the business, and that Mr. Evans and Mr. Nicklin appeared desirous of having the lands examined, and an early sale of them effected agreeably to powers vested in them as trustees. But after waiting several months, and obstructions appearing to the plan of the agency, nothing was done by the witness in the business, though Mr. Evans and Mr. Nicklin continued very desirous of his acting therein.

“THAT he, the witness, is clearly of opinion, that in the arrangements proposed by Mr. Evans and Mr. Nicklin, those gentlemen did not appear to act from any personal motives against Mr. John Field, the elder, but from a strong desire to facilitate the

due execution of the trust in the sale of the property for the general benefit of the creditors.

“THE deponent further says, that he and Mr. John Evans, the plaintiff, were the assignees among others to Mr. Peter Lohra, the deponent being a creditor, and Mr. Evans representing a creditor, that Mr. Evans was not only faithful, but also most particularly active and industrious in the execution of the trust. The meetings of the assignees were generally at his house ; and he neglected his own business, or at least postponed frequently his attention to his private concerns, to attend to the execution of the trust in which he had no private interest, to the best of deponent’s knowledge and belief. As to the neglect of his private affairs, for the rest the attention of Mr. Evans to the trust, and often when unwell, the deponent knows of his certain knowledge.

(Signed) GEORGE DAVIS.

Sworn to before me, 10th May, 1808.

(Signed)

MICHAEL KEPPELE, Aldn.”

WHEN John Field found that the trustees were about agreeing on this subject, and that he probably would be excluded from the benefits which he had so long held in expectation ; when he knew that John

* As it appears by the above deposition that John Evans was the acting assignee to the estate of Peter Lohra, it may be proper to inform, that through his exertions, he having the documents in his hands, and the conducting of the correspondence, two judgments have been since obtained in favour of said estate, against one of the debtors, in New Orleans ;

One judgment for	16,900 dolls.
And the other for	<u>62,490 dolls.</u>

making in the agregate, the sum of 79,390 dolls, which there is a probability will be recovered at some future period, as the landed property claimed by the debtor in New Orleans, is to a very great amount.

Evans would have no intercourse with him, unless he complied with the requisition of his trustees in delivering up the papers relating to the trust; when he observed that the other trustees would no longer remain the dupes of his imposition; finally, perceiving his influence in obtaining the management of the trust sensibly to abate, as a *dernier resort*, he again complained to the overseers of the meeting against John Evans. But whether this complaint was the revival of that founded on the letter to John Baker, which was before finally settled or not, remains unknown. It was impossible to say, at that time, what were the particular grounds of complaint in this instance, because throughout the whole affair, from the commencement to the conclusion, no particular, or even general, charge was exhibited. It is well known, however, notwithstanding the mystery in which it was attempted to be veiled, that this complaint had the same object in view as the former, and the same end to accomplish. For though the idea of John Evans refusing to see John Field was made the ostensible ground, yet it cannot be supposed that such a trifling circumstance should operate as a subject of serious complaint. Such, however, was the secrecy observed by the overseers on the subject, that no particular facts could be identified as the grounds of complaint. But we find, that the single and solitary avowal of the objection on the part of John Evans, to see the complainant, was considered by the overseers fully sufficient to warrant its cognizance.

THE interference of the overseers under such circumstances, between an individual acting in the capacity of a trustee,* in what he apprehended to

* A functionary is answerable only to the legal authority by which he holds his office. And indeed, the society as if aware of this necessary distinction, have no discipline on the subject of his powers, but it is well known that members acting

be his duty, and a character such as the complainant, who in divers instances had forfeited the esteem and confidence of his fellow citizens, and was at that time infringing not only the discipline of the society to which he belonged, but also the laws of morality and civil jurisprudence. I say, the interference of the overseers, or any other set of men, under circumstances like these, was an abrogation of the civil rights and liberties of the citizen. It was unjustifiable, not only in a civil point of view, but also incompatible with the discipline of that society. That discipline on which they founded the right of interference, would in this case, if properly attended to, have led them to an impartial view of both sides of the question; and to have traced the grievance complained of to its source;* but this was not attended to, and we must therefore believe, that instead of acting as impartial judges, abstractedly from all interest in the issue, or sinister motives in the commencement, they became parties in it, and were consequently influenced by resentment, or some unknown cause.

WITH regard to the objection John Evans had to see John Field, it was true in one respect, that is, he would not see him until justice was done on the part of John Field, by a delivery of all his papers relative to the trust; but he never refused to see him

in such capacities, may sue for, and recover in courts of law, against fellow members, without being amenable to the society.

*The overseers when admitted to interfere (and in this case it is certainly optional with the parties,) should have been impartial and unprejudiced auditors, free to hear, and willing to understand the subject on both sides. Had this been the case, to speak with brevity, they would have dismissed the complaint, against John Evans; and commanded John Field to deliver up his effects absolutely assigned, as he was bound to do by the act of conveyance, and by the express discipline of the society.

on a compliance with his duty. On the contrary, he had repeatedly seen and conversed with him, until by frequent deceptions it was rendered necessary to withdraw that friendship which had too long subsisted to his injury. How repeatedly had he served John Field from the purest motives. Numerous instances might be adduced in support of this; but the single circumstance of his having disclaimed all connexion with him, other than that necessarily imposed by the trust he held, and the consequent complaint of John Field in this respect, prove that he had been on friendly terms with him, and so would have continued, had he not justly forfeited it.

BUT to return. When complaint was made by John Field to the overseers, Richard Humphreys and Isaac Parrish, two of the overseers, called on John Evans, and informed him of the purport of their visit. They said, they came not as overseers, or in their official capacity, but as friends to the parties.* A conversation was then entered into respecting John Field. John Evans desired them to compel John Field to comply with the united requisition of his assignees, *on which condition he would see him*, although he considered they had no claim on him as an assignee. They declined interfering in the assignee business, but urged a reconciliation with John Field, forgetting that John Evans, as an assignee, was also John Evans, a private citizen, and *vice versâ*. Thus their attempting to discriminate† between an assignee business and a private

* The discipline directs the overseers, as overseers, to confer with an accused member. But as they, on this occasion, interfered as friends to the parties only, and not as overseers, of course their proceeding was contrary to discipline, and wantonly unjust.

† A subject with which we are familiarized, however absurd at first, seems to be right at last, and in this case the overseers by an abstract syllogism altogether new in the logic of religious discipline, hypothetically deduce the competency

affair, tended to complicate and confuse a subject most unquestionably beyond their jurisdiction.

FROM this interview, no apprehensions were entertained by John Evans of the business ever coming forward in the meeting. He considered that the character of John Field was viewed by the overseers in an unfavourable light, and that, of course, a complaint entered by such a one would amount to little, unless founded on evidence more ostensible: such he knew John Field did not possess, and he was therefore easy as to the event. See the following certificates.

“ I CERTIFY that I was present when Isaac Parrish and Richard Humphreys called on John Evans, relating to business between him and John Field:— that I heard John Evans ask, whether they came as friends and citizens, or as overseers of the meeting, to which they made answer that they came as friends to the parties only, and not in the capacity of overseers of the meeting. JOHN E. REDMAN.

Phil. Dec. 23. 1806.

“ I WAS present in the store when my husband John Evans asked Isaac Parrish and Richard Humphreys, if they came to him as overseers of the monthly meeting, or as friends—they answered, As friends. BARBARA EVANS.

N. B. The conversation was in the early part of July, 1806. J. E. REDMAN.”

of their powers. Thus I presume they would say, ‘ If the assignee be aggrieved let him seek redress at law, we have nothing to do with that business, we recognize the *Member* complained of, and that is enough for our purpose.’ But what would any one of those gentlemen say, or think, if his friend should tell him frankly, “ I like thy profession ; but I despise thy principles.” Perhaps the abstraction would not here be considered quite so feasible as in other cases.

A FEW weeks after this interview, on the 23d of July, 1806, Caleb Carmalt, an overseer, called on John Evans, and informed him that his case with John Field would come before the next preparative meeting. The astonishment of John Evans at this information was such as might be expected. Conscious that he had done nothing but what as an assignee he had an undoubted right to do, and never having been visited by the overseers, according to discipline, he demanded of Caleb Carmalt, in the presence of witnesses, the charges against him in writing, the name of the accuser, and the book of discipline,* to know in what instance he had transgressed also an interview with the overseers, in company with Samuel P. Griffiths, David Bacon, Thomas Harrison, Thomas Parker, &c. before his case came before the meeting. But so far from receiving any intimation of such request being

* The present discipline had been in operation but a short time when this request was made, and as it was kept from the members of the society, it became a desirable object, in order to ascertain the degree of criminality, if any, and in what particulars. Under these circumstances, and with this view, it was demanded, not as a matter of favour, but as a right which in every case of civil jurisprudence is especially granted. In this instance however neither the accusation nor the law were ever communicated by the overseers to the accused. And in addition to these unwarrantable proceedings they denied a reasonable and a necessary request, of a conference with them in company with S.P. Griffiths, D. Bacon, T. Harrison, F. Parker, &c. in order to inform the circumstances attending the business, which they could not have desired had there been just cause of complaint. That a religious society should make discipline, and keep the members ignorant of its nature and purport, is a sorrowful demonstration of its being too vulnerable for the inspection of honest criticism. But on occasions where necessity calls it into action, much indeed is discovered which designates it an engine of power inimical to Christian simplicity and that heavenly badge spoken of by Christ, viz. "By this shall all men know that ye are my disciples, if ye have love one to another."

granted, he obtained no satisfaction. On the contrary, Caleb Carmalt insisted on its going forward. See the following certificate.

“ CALEB CARMALT called this day on John Evans, by direction (as he said) of the overseers of the meeting, and informed John Evans that his case with John Field was to come before the next preparative meeting.

“ JOHN EVANS then demanded of Caleb Carmalt, as an overseer, the charges against him in writing; the person who is the accuser; and the discipline of the society, to know where he had transgressed.

“ HE also requested an opportunity of a conference with the overseers in the presence of Doctor Griffiths, Thomas Harrison, Thomas Parker, David Bacon, and a few other judicious men, before his case came before the meeting. But Caleb Carmalt gave him no satisfaction, or any assurance that his request would be granted, but insisted on its going forward.

“ WE certify this to be a true statement of facts, as we were present the whole time, being called in by John Evans as witnesses.

JOHN E. REDMAN.

Philad. July 22d. 1806. NATHL. HOLLAND.”

THUS was the conduct pursued by the overseers in the present case most arbitrarily and unprecedented. Denying the accused the knowledge of the laws by which he was to be judged, withholding the accusation, and arbitrarily insisting on the charge coming before the meeting.

IT is a fact incontrovertible and well known to the members of the society, that the discipline is kept from them; that the former discipline has been lately abolished, and a new one adopted; that they

must consequently be ignorant of it in many respects, except the trifling information they may chance to gain in their meetings for discipline, or by the indulgence of the clerks. This will, therefore, and I trust satisfactorily, account for the request made by John Evans, for the discipline of the society, and which, were it not as represented, would appear extremely singular.

THE overseers were not content with thus arbitrarily ushering the business forward under those embarrassing circumstances, but as if determined to aggravate the injury he had already sustained, they deferred giving him any knowledge of the business intended to be brought forward, until it was too late for the accused to make any defence, having scarcely two days notice of their determinations.

To the candid reader I will appeal, whether in such precipitate measures there was any liberality, in the accusation any candour, or in the proceedings any consistent rule. The answer to all these must be "No."—Was there not rather an obvious determination to pursue an arbitrary plan, and to take every advantage in the pursuit? This, I think, cannot be denied by an impartial observer, and if admitted, we assert their declension from the principles of honour and justice, which in this case is certainly obvious.

ON the next day, the 23d July, 1806, John Evans convened the friends mentioned in the certificate referred to, viz. Samuel P. Griffiths, David Bacon, Thomas Harrison, and Thomas Parker, and informed them of the conduct of the overseers, and that his case was to be brought before the preparative meeting on the next day. He read and handed to them papers illustrative of the business of the trust estates of John Field and John Field & Son; also the certificate of J. E. Redman and N. Holland to the interview with Caleb Carmalt; all which they

kept in their possession several days ; and which, with verbal explanations, were satisfactory.

AGREEABLY to the request of John Evans, they called upon the overseers, who agreed to dismiss the business entirely. In consequence of this agreement of the overseers, Samuel P. Griffitts called on John Evans in the evening of that day, and informed in the presence of his wife, that they had seen some of the overseers, and though they would not grant him an opportunity of a conference as he requested, yet they agreed to dismiss the complaint entirely ; and that he might make himself easy on the occasion, as nothing further would be done in it.

IT will doubtless appear surprising, that after the subject of complaint had been twice dismissed, that it should be again resumed by the overseers ; but such is the fact. On the evening preceding the next preparative meeting held in August, John Biddle called on John Evans, and informed that the overseers had a meeting in the afternoon, on business between him and John Field, and that they had concluded to take it forward on the next day.

IMMEDIATELY on the receipt of this information, John Evans called on Samuel P. Griffitts, being seriously affected at the unexpected intentions of the overseers in their cruel and unexampled conduct towards him. When Doctor Griffitts was informed by John Evans of the situation of the business, he expressed astonishment and surprise, and doubted the correctness of the information, by saying it could not be so ; and having, at John Evans's request, called on the overseers, he returned in the evening as he promised, and informed John Evans that the overseers told him, it would be taken forward the next day.

THUS a third time did the overseers repeat their endeavours to bring the business forward. They never informed the accused of their intentions ; nor

during one month from the last preparative meeting, did they grant any interviews with them, separately, or in company with the friends named in the certificate before mentioned. On the contrary, they observed the utmost secrecy in the business; in so much that not only the accused was kept in ignorance of the circumstance, but equally ignorant in this respect were those friends who had interfered, and to whom the overseers had agreed that the business should be dismissed and be considered finally settled.*

It cannot be supposed that the overseers were authorized by the discipline to the measures they adopted. The discipline of a religious society could not surely cover or abet the overseers in the forfeiture of their promises and assurances, or warrant the maltreatment of any individual member. I do not wish to believe that any discipline exists among them so derogatory to civil and religious liberty, and so totally subversive of that charitable spirit, which the Christian religion forcibly and unequivocally inculcates, Nor does common practice, to which we

* When an individual violates an engagement, he certainly hazards his veracity and honour; but when a whole society by its representatives stipulates, unconditionally, for the performance of an act, yet knowingly and deliberately contravenes it, what a total dereliction of principle must appear! and under a combination of imposing circumstances, what a high degree of degradation must attach to the actors in this scene of diplomatic chicanery against an individual, who relying on their apparent candour, and apparent honesty, was too late convinced of their hypocrisy in both these respects. Such delusion, however, served the purpose of the overseers; they gained time and proclaimed with more energy, because more secrecy; not what they intended to do, but what they had done!

Thus having acted in violation of good faith and common honesty; thus becoming in profession and in practice unprincipled rulers, they arraign at the bar of their self erected tribunal, that very individual whom they had so materially and unjustly injured.

may refer, establish any precedent for their proceedings in the present instance. But not only common practice, the very discipline itself directs a mode of procedure very different from that which they adopted, viz.* “ If thy brother shall trespass against thee,

* It is a well known fact, that the Quaker society have no religious creed, or confession of faith, as amongst some other religious societies. Nor do they consider themselves bound to the letter of scripture testimony, as many other societies; alleging a superior guidance in matters of faith and practice, through the immediate inspiration of the Divine Spirit. And as many severe strictures were made on the character of John Evans, by the defendant's counsel at the trial, it may be proper, in this place, to make the following observations :

The evidence gathered from the history of the New Testament, is an important illustration of the lives of the apostles and primitive disciples, who were in the fullest extent, brothers of one family; and enjoyed, in common, the same possessions, temporal and spiritual. The declaration of Christ was, therefore, adapted to such society, where all the members were dependent upon, and intimately connected with each other.

They had been repeatedly enjoined to acts of beneficence and affection. They were commanded to love one another : “ By this shall all men know that ye are my disciples, if ye have love one to another.” But as the frailties of men were known to the Author of our religion; and as dissensions might arise, which would tend to subvert the harmony of his disciples and followers, it was rendered necessary that some general mode should be established, which, in extreme cases, might absolve the offended from that connexion which had previously subsisted between him and the offender. A connexion which was commanded and enjoined by the same authority, and which would have continued obligatory upon every individual possessing the Christian name, had not the Divine Instructor, seen the propriety of some general principle adapted to the imperfections of his disciples, which might be availed of, against a turbulent and restless professor in the event of offences.

In the passage above quoted, we find this liberty granted, which was to operate as a security, against the caprice of an individual professor; but coupled with a condition necessarily imposed as a restraint, upon the possibility of abusing it; that

go and tell him his fault between him and thee alone ; if he shall hear thee thou hast gained thy brother ;

the most effectual measures towards a reconciliation might precede the ultimate step of renouncing the connexion.

The offended brother was, therefore, under an obligation to comply with the conditions, before he could possibly avail himself of the last resource : And as the method of those conditions would necessarily expose the offender to the view of the whole fraternity, it might for this reason operate more forcibly to convict him of his error, and extort the reconciliation required.

The witnesses were chosen from amongst his own brethren, and were, therefore, competent to second the accusation by their testimony of the fact. The church were the collective body of professors, who, in this instance, were to testify to the compliance with the rule ; but, further than this, they had no authority to go. The difference between the parties was confined to themselves, and between themselves only, rested its termination. That is, the offended brother after using the necessary precautions, was at liberty to look upon the offender in the light of a stranger ; and was no longer bound by the obligations of their religious compact, to continue to associate with him.

The church, therefore, or in other words, the members of the Christian compact, were witnesses only of the measures adopted, but had no right to assume the position of a party, either one way or the other ; because such assumption would be a manifest violation of the rule, which is made the principle of action.

In the chapter, whence this rule is quoted, we find, verses 21 and 22, "Thien Peter came unto him and said, Lord, how often shall my brother sin against me and I forgive him—'till seven times?" Jesus saith unto him, "I say not unto thee, until seven times, but until seventy times seven!"

In the above passage we find a complete and satisfactory confirmation of our exposition. But again, chapter 13th, in the parable of the tares and the wheat, we observe a still further proof, not only of the narrow disposition of man, but the benevolent designs of the Great Lawgiver, who, in giving forth this parable, effectually guards against the presumption of his followers ; lest at any time they should avail themselves of church power and influence, to exterminate from their community any of their fellow professors ; which plainly implies, *no excommunication in the Christian church.*

Verses 24 to 30. Another parable put he forth unto

but if he will not hear *thee*, then take with thee one or two more, that in the mouth of two or three witnesses, every word may be established. And if he shall neglect to hear them, tell *it* unto the church; but if he neglect to hear the church, let him be unto thee as a heathen man and a publican." Mathew

them, saying, "The kingdom of heaven is likened unto a man which sowed good seed in his field; But while men slept, his enemy came and sowed tares among the wheat, and went his way; But when the blade was sprung up, and brought forth fruit, then, appeared the tares also. So the servants of the householder came and said unto him: Sir, didst thou not sow good seed in thy field, from whence then hath it tares? He said unto them, an enemy hath done this. The servants said unto him, wilt thou that we go and gather them up? But he said: Nay, lest while ye gather up the tares, ye root up also the wheat with them. Let both grow together until the harvest: and in the time of harvest, I will say to the reapers, Gather ye together first the tares, and bind them in bundles to burn them; but gather the wheat into my barn."

The whole tenor of the Gospel writings prove the discipline of love, not of power, which was designed by the Author of our religion. A striking instance of this, is afforded in the conduct of our Saviour to Judas; who, though he was the avowed betrayer of his Lord and Master, was, nevertheless, permitted to sit with him: Nay, to eat out of the same dish, and partake with his disciples and followers until the hour of his treachery.

I might adduce many passages of the New Testament in support of this god-like principle, which forms so prominent a feature in the Christian dispensation; but they are unnecessary.

The parable of a certain king who forgave his servant a debt, is a clear argument against the unchristian principles of modern sectaries; and, the consequence of that servant's conduct towards his poor fellow servant, is an illustration still further corroboratory of the forgiving temper of Christianity.

He had just received forgiveness of a debt of ten thousand talents due to his king, yet immediately insists on the payment of a hundred pence from a poor fellow servant.

When the king was informed of his conduct, "He was wroth and delivered him to the tormentors, until he should pay all that was due unto him,"—and emphatically adds, while addressing his disciples, "*So likewise shall my heavenly Father do unto you, if ye from your hearts forgive not every one his brother their trespasses.*"

XVIII, 15, 16, 17. If, however, any discipline existed, which directed the mode they pursued, strange as it must appear, the conduct in the overseers in this respect was no less extraordinary. Had they been separately questioned as to their opinion of the character of John Field and his conduct, they would certainly have condemned both; yet in this they would as certainly have condemned themselves. Because, if they acknowledged John Field to be a disorderly member, they certainly were deficient in their duty, in not enforcing the discipline against him. Such, however, was the opinion of Thomas Savery, one of the overseers, who being at the house of John Evans on the 23d of July, 1806, per testimony of J. E. Redman, was by him informed of the overseers having taken up the business between him and John Field. To which Thomas Savery replied in these remarkable and express terms: "That it was contrary to his wishes that this business was so situated; that it was a great shame that John Evans, who had ever borne an unexceptionable character, should be brought before the meeting by a man of John Field's character, and who had acted so opposite to the wishes and advice of his friends; that John Field had been a great pest to the society, and ought to have been disowned twelve years ago." John Evans then said, he had no objection to seeing John Field, provided he would deliver to his assignees those papers relating to the deeds of trust, which all the assignees had jointly ordered him to deliver to John Evans.

"I CERTIFY, that on the 23d of July, 1806, I was present when George Heberton was at the house of John Evans on business, at which time Thomas Savery came in; that during the conversation John Evans mentioned to Thomas Savery the business between himself and John Field, then pend-

ing before the overseers of the religious society of the people called Quakers, in Philadelphia, of whom Thomas Savery was one, when Thomas Savery mentioned, that it was contrary to his wishes that this business was so situated; that it was a great shame that John Evans, who had ever borne an unexceptionable character, should be brought before the meeting by a man of John Field's character, and one who had acted so opposite to the wishes and advice of his friends; that he (John Field) had been a great pest to the society, and ought to have been disowned twelve years ago; that John Evans said he had no objection to seeing John Field, provided he would deliver to his assignees those papers relating to the deeds of trust which all the assignees had jointly ordered of him to be delivered to John Evans.

JOHN E. REDMAN.

Philad. Dec. 23, 1806."

THE above sentiments were expressed by Thomas Savery, also by John Evans, on the next day after the interview with Caleb Carmalt. Yet Thomas Savery, as an overseer, about a month afterwards, at the next preparative meeting, in defiance of all he had before expressed on that subject to John Evans, and notwithstanding the information he so clearly and pointedly received at that time, did come forward to support the accusation against him. This single circumstance may suffice to show what I have before asserted, that notwithstanding the general character of John Field, and the sentiments entertained respecting him by his fellow citizens, he still retained influence enough with the overseers to bring the accusation forward to the meeting.

JOHN EVANS finding that the business was to be brought forward, wrote and signed, jointly with his wife, their resignation of membership, which he handed to the clerk of the monthly meeting, the day

previous to the sitting of the preparative. To this step he was induced by his ill state of health, not being able to contend with the overseers, who had, by their conduct, taken a decided part against him in the business.

At that time, and during the whole transaction subsequently, he laboured under great infirmity of body, which was, in a great measure, occasioned by the sufferings he experienced as an individual unjustly treated by the overseers, for endeavouring conscientiously to discharge his duty, as a trustee to a very large interest. And indeed the discipline of the society, upon the subject of assignees and trustees, specially required the very exertions which he made to a faithful discharge of the trust he held. In thus bringing forward the business, the overseers did in consequence violate an express article of their discipline. See Book of Discipline, article *Trade*, page 131. "Advised, that when friends accept the office of trustee or assignee, they be active in collecting the effects of the estate, and punctual and speedy in making distribution."

No one will pretend to aver that the conduct of the accused was not strictly consonant with this article, though in a faithful compliance therewith he had to contend not only with John Field, but with the overseers of the meeting, those very men who ought to have seconded his endeavours, and to have rendered complete justice to the parties, by enforcing the observance of that law which they themselves had flagrantly violated. The following extract from the Book of Discipline will further illustrate this subject: Article *Law*, page 41. "If any of our members appear unable to satisfy their creditors, they should be advised to call them together without loss of time, and submit the state of their affairs to their inspection, when if the creditors apprehend a surrender of the debtor's effects to assignees, for the benefit of

the whole, to be necessary, let him or her be earnestly entreated to consent, and if they refuse so to do, the monthly meeting should be informed thereof; when, if the party still persists in refusing, he or she should be disowned, without too long delay."

THE discipline recited above, clearly and indubitably involves the case of John Field's refusing to deliver the effects of his estate *absolutely* assigned, and for noncompliance in this respect with the united requisition of his trustees. The overseers were not ignorant of these circumstances, because complaints had been made to them of his misconduct in this particular. But even admitting that no special complaint had been entered against him, the fact was notoriously known to them, which superseded the necessity of such complaint. Yet we find they did not enter into the merits of the subject as it regarded him. On the contrary, they seem to have been led with a wonderful facility in accommodating the discipline to particular cases. Nay, they at all times forbore to discuss any subject that would lead to a development of his* conduct, contenting themselves with an avowal of the necessity of accommodation, without removing the obstacles, to produce that effect! Where then was that impartiality, which as judges they should have exercised between the accuser and the accused? How could they so accommodate their sagacity as in some particular cases to overlook entirely, and in others to scrutinize with the nicest exactness?

LED by causes, other than those alleged as the ground of complaint, and evidently with a view to enforce the appointment of John Field to the agency of the trust estates, the overseers brought the sub-

* At this time John Field had detained the papers, and of course the property, from his assignees and creditors nearly five years.

ject before the preparative meeting by a minute in the following form :

“ A DIFFERENCE subsisting between John Evans and *another member* of this meeting, *John* declines to see the party either by himself, or in company with the overseers, for its accommodation. The following friends are requested to visit him, and report to next meeting, viz: William Wilson, Abraham Ledden, and John Folwell.”

THE above minute involves two points of material importance, in relation to the facts existing at the time between the parties. *First*, the difference subsisting between *John Evans* and another member; and *secondly*, the refusal of the one, or, to speak in the language of the minute, the one party “declining” to see the other, &c.

WHAT that *difference* was, neither the overseers nor the committee ever informed: Indeed they knew of none, but that difference of *character* which designated the *honest man*, and distinguished him from a contrary one. To reconcile a difference of this kind, would consequently be an immoral act:—I am led to these remarks, because I know of no other difference. And with respect to the second point in the minute, we may observe its *incorrectness*, to say no worse, from the declarations of John Evans to the overseers, when he expressly avowed, that if John Field would deliver the papers in his possession, belonging to the trust, to him, he had no objection to see him; and that no difference subsisted between them, other than those derived from the trust. To say, therefore, unreservedly, that John Evans declined seeing that member, is a palpable falsehood. So far, however, from removing the *difference* by compelling John Field to comply with the discipline in article “Law,” page 41. So far from doing justice in the first instance, by obtaining the delivery of the papers demanded by the trustees,

which was certainly the easiest, the most honourable, and just way of terminating that difference, the overseers arbitrarily brought the case before the meeting, contrary to discipline and common practice: arraigned J. Evans, one of the trustees, at the instance and alleged accusation of *John Field*, to answer to secret charges, and, by the minute, an anonymous accuser! In what country, under what government, maintaining any pretensions to civil and religious liberty, will we find proceedings so truly oligarchical, and so calculated for an inquisitorial tribunal?

ON the next day after the appointment of the preparative meeting committee, the monthly meeting was held. In the morning previous to the sitting of the meeting, John Evans drew up a statement of the business between himself and John Field; also several charges against the overseers for maltreatment of him, with reasons for the relinquishment of his right of membership in the society; which, together with the testimony respecting Caleb Carmalt, was handed in to the monthly meeting. The clerk also produced the resignation of J. Evans and wife, which was given him at J. Evans's house. Those papers were not read in the meeting, but a committee was appointed to examine the papers, and report their sense thereon. The committee, after perusing them, requested an addition to their number, which was granted, and this committee, then consisting of nine persons, held those papers to the next monthly meeting.

“ To the monthly meeting of the religious society of the people called Quakers, in Philadelphia.

“ 8 mo. 27th, 1806.—THE subscribers consider themselves no way responsible to the society, and no longer as members thereof; and this to be recorded as their relinquishment.

(Signed)

JOHN EVANS.

BARBARA EVANS.”

(Copy.)

" Philadelphia, 8 mo. 29th. 1806.

" ESTEEMED FRIEND,

" *John Biddle,*

" I TRUST thou wilt do me the justice to hand this to the monthly meeting with the communication I handed thee yesterday, as the cause of my adopting that plan; as I am informed that the overseers of the meeting brought forward a complaint to the preparative meeting, yesterday, thus: 'John Evans having had a difference with another member of this meeting, he declines seeing him, by himself, or in company of the overseers, for its accommodation.' "

THE injustice of which will appear by the following certificate :

(Copy)

" CALEB CARMALT called this day on John Evans, by direction, as he said, of the overseers of the meeting, and informed John Evans, that his case with John Field was to come before the next preparative meeting. John Evans then demanded of Caleb Carmalt, as an overseer, the charges against him in writing; the person who is the accuser; and the discipline of the society; to know where he has transgressed.

HE also requested an opportunity of a conference with the overseers, in the presence of Doctor Griffiths, Thomas Harrison, Thomas Parker, David Bacon, and a few other judicious men, before his case came before the meeting; but Caleb Carmalt gave him no satisfaction, or any assurance, that his request would be granted, but insisted on its going

forward. We certify this to be a true statement of facts, as we were present the whole time, being called in by John Evans as witnesses.

(Signed) JOHN E. REDMAN.
NATHANIEL HOLLAND.

Philadelphia, July 22, 1806."

" THIS being the case, and the business alluded to having been before the overseers, at the request of John Field near two years ago, and finally settled by them, and the writing objected to returned to me, without any observations made by them, on the occasion. They now bring it forward to the preparative meeting, and not giving me an opportunity as requested, I consider it by them a defamation of my character; religious persecution; and a tendency in a civil point of view of obstructing my acting as an assignee in the line of my duty under the trust, for the benefit of his already long injured creditors. And the ultimate wish, and the governing principle of my conduct was, equal justice to all, and an approving conscience.

Thy friend,
(Signed) JOHN EVANS.

" P. S. My great indisposition of a gouty complaint in my stomach, has been much increased by the conduct of John Field. And the overseers' unwarrantable conduct has been one great cause of my adopting the plan of resigning my right of membership, as my weak state of health could not bear the exercise that a continuance thereof would occasion.

(Signed) J. E.
JOHN BIDDLE,

Clerk of the monthly meeting.

" PLEASE to hand this, as I consider it as the property of the monthly meeting. J. E."

IN the mean time, Abraham Ledden and John Folwell, two of the committee from the preparative meeting, called on John Evans and requested of him a written statement of the situation of the business. Such a request, and made under such circumstances, plainly implies their want of instructions, or any fixed and decided principle or charge on which to act in their appointment. They were however furnished, by John Evans, with the statement required, as per following letter:

“ *Philad. 9th mo. 24th, 1806.*

“ RESPECTED FRIENDS,

“ *Abraham Ledden,* }
 “ *John Folwell,* } }

“ AGREEABLY to request yesterday, I now give you information, in writing, of the circumstances attending of John Field; the overseers of the monthly meeting of the religious society of the people called Quakers, in Philadelphia; and myself. The report they made to the preparative meeting is false, as *I did agree to see John Field*, on condition of his delivering to me the title papers relative to the deeds of trust, which in a joint letter to him from all the assignees, he was desired to do, but which he has not complied with, though he had the letter eight or ten weeks previous to the overseers' calling on me, and which I informed the overseers of. I did then, and do now, consider their interference improper, as I know of no cause of complaint; and, though requested, they would not give a specifick one, or any opportunity of seeing them in company with those respectable friends mentioned in the annexed certificate, and I consider their conduct a defamation of my character, and an infringement of my civil and religious rights, as one of the trustees to the estates of John Field and John Field & Son.

And it gives him encouragement to oppose the execution of the trust, to his already much injured creditors; and the treatment is cruel and unchristian.

Am your friend,

(Signed)

JOHN EVANS.

(Copy of Certificate)

“CALEB CARMALT called this day on John Evans, by direction, as he said, of the overseers of the meeting, and informed John Evans, that his case with John Field was to come before the next preparative meeting.

“JOHN EVANS then demanded of Caleb Carmalt, as an overseer, the charges against him, in writing; the person who is the accuser, and the discipline of the society, to know where he had transgressed.

“HE also requested an opportunity of a conference with the overseers, in the presence of Doctor Griffiths, Thomas Harrison, Thomas Parker, David Bacon, and a few other judicious men, before his case came before the meeting; but Caleb Carmalt gave him no satisfaction, or any assurance that his request would be granted, but insisted on its going forward.

“WE certify this to be a true statement of facts, as we were present the whole time, being called in by John Evans as witnesses.

(Signed)

JOHN E. REDMAN.

NATHL. HOLLAND.

Philadelphia, July 22, 1806.”

AT the next preparative meeting the committee made no report on the subject of their appointment. William Wilson requesting to be released, and the Committee requesting further assistance, four others were added, viz. John James, Samuel P. Griffiths,

David Bacon, and John Elliott, and the committee were continued for another month.

THE committee appointed by the monthly meeting in consequence of the resignation of John Evans; also had an interview with him upon the subject; and they with other of his friends prevailed on him to suspend the resignation, in consequence of the committee appointed by the preparative meeting, which they assured him, and which he expected would settle the business to his satisfaction.

To this committee, he also represented the business of John Field in a full and long statement; dated 9th month, 1st, 1806, as follows:

“ To Samuel Pleasants, Thomas Wister, Robert Smith and others, a committee of ten, on the case of John Evans and the overseers of the monthly meeting of the religious society of the people called Quakers, in Philadelphia,

“ JOHN EVANS OF THE CITY OF PHILADELPHIA, RESPECTFULLY REPRESENTS,

“ THAT being prevented by the unjust conduct of the overseers of said meeting, from stating of facts to a number of respectable members of said society in company with them, a reference to what I have handed to the monthly meeting will appear. I have been under the necessity, by their conduct, under, as I conceive, the influence of John Field, to a relinquishment, in company with my faithful wife, a native privilege, which; from an attachment to, and from the prejudice of education, is no small sacrifice. And, though it is not within the limits of these my intended cursory remarks to give you full statements of the facts relating to this subject, yet to do justice to my own character, and my civil rights, which I hold in high estimation, as well as to inform

you, I shall hand a few remarks that have arisen, in order to give a general clue to the subject, which, with your *knowledge* of John Field's conduct and character, will enable you to form a better judgment of the subject under your consideration.

“ JOHN FIELD and John Field & Son, upwards of seven years since, gave deeds of trust to John Evans, Philip Nicklin, Robert Smith, and Thomas Clifford, of several large and small tracts of land, for the general benefit of their creditors. About four years ago, the assignees had it in contemplation to act in their appointment, as is usual; but from some cause, I expect from John Field, a difficulty was started, and it was thought necessary to consult an attorney; and I was requested to call on William Rawle, Esq., on the occasion. He gave an opinion to proceed directly; and drafted an advertisement, for the sale of the lands. On John Field's having information thereof, he immediately opposed our proceedings, and by applying to an attorney at law, and by other means, he complexed and procrastinated the business, when it lay without being acted on, for about one year; at which time it was intended to be acted on, and was again taken into consideration. The delicacy of this part of the business relating to my colleagues, as they are respectable fellow citizens, is such, it cannot be gone into; only suffice it to say, after a considerable time, they three created John Field agent in the business, with \$2500 per annum, for three years, besides contingent expenses. I was not consulted on that part of the business of *salary* until it was offered to me for my signature, which I refused from various principles:

“ First, I considered it beyond the powers of our appointment in the appropriation of such a large sum of money. Secondly, John Field's general conduct and character; and contrary to the spirit and intentions of the creditors. Thirdly, And he, John

Field, informed me, he intended to sell the lands at public sale, and purchase them in for himself, which still created further difficulty; and as an honest man, I could not agree to such injustice.

“THESE observations are made, in order to inform you in part where my difficulties first began with the overseers; he then entered complaint to them on the occasion, and though it was not much entered on at that time by them, as I frankly told them I could not in conscience come into the measure. But lately by a conversation with one of the overseers, I find that my not joining in the agency was the principle complaint of John Field, though I considered it at that time as another subject, and handed the writing to them objected to, and conversed on the subject. They had it a long time in possession, and returned it to me without any objections; and I have always considered it since as finally settled. But when the assignees have endeavoured to act, John Field has uniformly opposed them; and latterly I have, as a citizen in the exercise of a civil right and in the discharge of my duty, become the subject of complaint to the overseers, where I consider he has great influence; and instead of their strengthening my hands in the cause of truth and justice, and for the reputation of the religious society, which John Field’s conduct has severely wounded, they have perplexed and distressed me beyond measure; and with John Field, they have been one great cause of injury to my health, which, at times have, by those violent gouty spasms at my breast, nearly cost me my life, and has increasingly added to break my constitution, which, after near forty years engagements in various services, as executor, administrator and assignee to estates, and treasurer to several institutions, thus to be treated by the overseers for endeavouring conscientiously to do my duty in a very large trust, on behalf of my fellow citizens, is cruel in itself, wholly inadmissible

as it regards my civil rights ; and, at the same time they say, we respect and esteem thee.—The great and good Sir William Jones, lately deceased, said, “ Words are the daughters of the wind ; but actions are the sons of the soul.”

“ HAVING been denied a reasonable request of seeing the overseers in company with some respectable friends, to know what was the charge against me, which I am at present ignorant of, though publicly defamed as a defaulter, which is truly serious. I informed some of the overseers and the friends alluded to, in mine to the meeting, Doctor Griffiths and others, that I would see John Field if he would deliver to me the title papers, &c. of the lands assigned in trust, as it was the uniform order of all his assignees to him and his duty long since to have done it. I did then, and do now think the overseers had no right to claim a conference with me ; and the plan of those men, has a tendency, by secrecy, ambiguity, and cunning, to erect an inquisition not much inferior to the Spanish, as it matters not, whether a person is broke on a rack or on a feather bed, if the effect is such as to destroy his peace, and have an evident tendency to cost life ; and it is not only life it attacks, but may sap the foundation of civil government, under the specious pretext of religion, and eventually end in civil and religious persecution.

WHEN the three assignees last spring saw the impropriety of John Field’s agency, at my request, by my attorney, a plan was adopted to bring the business to a conclusion ; and which was acted on by advertising for the accounts of John Field and John Field & Son to be delivered to me, and a letter wrote him at joint request of us all, to deliver all the claims under the trust to me. Then again am I to become the subject to be hackneyed by the overseers ; and he has succeeded so far with them, as to defame my character as a member of society and as

a citizen ; and unjustly brought me forward to public view, which indeed I consider not short of a libel against my character ; and that, as before mentioned, has been the cause of my adopting the plan of a resignation of membership. John Field has again, I know not in what way, created some difficulty amongst some of the assignees, in the mode of conducting his business, which as before mentioned, was considered settled, and in part acted on. Delicacy prevents my going into this business ; but just remark, when he found an union in sentiment amongst the assignees, he, as is his uniform conduct, endeavoured to have them discharged. Witness his note now handed, directed to Thomas Wotherpoon, dated 4th mo. 8th, 1806.

“ I ALSO hand you, without much comment, John Field’s letter to me, dated 6th mo. 11th, 1806, respecting a property I bought of him for \$ 3000, upwards of four years ago, it was conveyed to me and was in a court of chancery at the time I bought it ; but expected he had it in his possession. I have often applied to him for aid, when he has insulted me on the occasion, by saying, ‘ thy interference is highly improper ;’ and he has not acted in it himself, since the sale of it to me ; and this is the first offer of assistance, though it has been in law now upwards of five years ; a considerable part of which time the overseers have known the circumstance, though I never did make a regular complaint, but mentioned to them of him expecting the notoriety of the act was complaint sufficient to carry its own evidence ; although as they say to the meeting and state ‘ John Evans having had a difference with another member of this meeting, he declines seeing him by himself, or in company of the overseers for its accommodation.’

“ It is, friends, truly trying to me, at this advanced stage of life, to make these observations, which

justice to myself demand, and in which perhaps the cause of truth is eventually interested.

Am your oppressed friend,
and fellow citizen,

JOHN EVANS.

“ P. S. ALTHOUGH this does not so immediately relate to your special appointment, yet it is connected with it, and is handed, in order that you, who are unacquainted with the circumstances, might have a knowledge of the origin of the business: and your aid, by suggesting any plan to close John Field’s business amicably, with his creditors, would be very pleasing to me, as an assignee under the trust. And under much depression on the occasion, your aid and advice as citizens is by me earnestly requested.

JOHN EVANS.

Philad. 9th mo. 21st, 1806.

*To Samuel Pleasants and others,
a committee appointed by the
monthly meeting, in the case of
John Evans and the overseers.”*

“ THE original, of which this is a true copy, was handed by me to Robert Smith, one of the committee, for their perusal.

JOHN E. REDMAN.”

THE business had now come before the preparative and monthly meetings: and in both of these meetings, committees were appointed in the case of John Evans. In this narration they will unavoidably be blended, owing to this unprecedented circumstance. I say, *unprecedented*, because it is well known in that society, that all cases pending in the monthly meeting, are in the preparative, entirely

concluded and brought to final issue. But, in this instance, John Evans is visited by committees appointed by both meetings, before which, his case was also pending at one and the same time.

ON the 19th December, 1806, the committee appointed by the preparative meeting, viz. David Bacon, Abraham Ledden, John James, Samuel P. Griffiths, John Folwell, and John Elliott, called on John Evans. Considerable conversation was had on the subject of their visit, and a full investigation of the conduct of John Field to the trustees. Yet, still the committee insisted on John Evans seeing John Field, as a preliminary to any further steps in the business, which John Evans agreed to conditionally; i. e. provided they would compel or prevail on John Field to deliver to him the documents relating to the deeds of trust, under which he was acting; and lest verbal declarations might be forgot or misunderstood: in order to obviate any difficulty of this kind, he wrote the committee a letter, which was read to them while at his house; and they took it with them.—As follows:

Philada. 12mo. 19. 1806.

“JOHN EVANS being deeply depressed with the cruel and unchristian treatment he has received, from the overseers of the monthly meeting of the religious society of the people called Quakers, of Philadelphia. Although he considers the persecution from them not often paralleled, it being a defamation and a libel on his character; yet, he has no objection to seeing John Field in the presence of David Bacon, Abraham Ledden, John James, Samuel P. Griffiths, John Folwell, and John Elliott; although he considers them as having no claim to the same, provided John Field will deliver to John Evans, all the papers relative to the deeds of trust, as per letter dated 18th April last, ordered by all his assignees under the

deeds of trust. And from a desire to give them an opportunity, John Evans further agrees, to accommodate, that if John Field will deliver all those papers alluded to, to either of his assignees, and they will certify that they have received the same as a bona fide deposit for the use of his creditors, he will still do further, meet him in company with those friends above mentioned.

David Bacon, & others.

IN the above letter he expressly declares, that, “ he has no objection to see John Field in presence of the committee, although he considers them as having no claim to the same ; provided John Field will deliver to John Evans all the papers relative to the deeds of trust, as per letter of the 18th of April last, he was ordered by all his assignees under the said deeds of trust.” And lest John Field might object to deliver the papers to him, notwithstanding he had a lawful and equitable claim to them ; he further says : “ From a desire to give them (the committee) an opportunity, John Evans further agrees, to accommodate, that if John Field will deliver all those papers alluded to, to either of his assignees, and they will certify that they have received the same as a bona fide deposit for the use of his creditors, he will meet him in company with those friends above mentioned.”*

* This committee having received information upon the very point, which they had so repeatedly urged, ought immediately to have waited on John Field, and prevailed upon him to comply with the discipline by delivering up to his assignees the papers, which he had so long and unjustly detained from them. They would then have more obvious ground to complain, if John Evans refused to meet Field upon an equitable footing.

Whether they called on John Field or not, is unknown. Field did not deliver the papers. And yet no complaint was made against him by the committee ; although their detention was a direct and flagrant breach of discipline.

HERE then, we find an absolute declaration on the part of John Evans, of a willingness to accommodate, as far as was consistent with the trust under which he acted; and surely, if ever it was the intention of the overseers or that committee to produce a reconciliation between John Evans and John Field, the present opportunity should have been embraced for that purpose.

JOHN FIELD had, however, found the objection of John Evans to seeing him, was in consequence of the papers he withheld from the trustees; and in order, effectually to secure the operation of the complaint he made to the overseers, he secretly placed in the hands of Thomas Clifford (one of the trustees,) a part of the papers which were ordered to be delivered to John Evans; and by his letter of instructions to Thomas Clifford at the time, it appears they were delivered in the month of July, 1806.

ON the 8th of November, 1806, John Evans received from John Field a copy of the letter to Thomas Clifford, wherein, were particularized the papers so delivered; and in which, John Field thus expressly declares: "Thou wilt recollect that my delivering the papers, is not to exclude me from having access to them, when I may conceive it to be necessary; and on the special condition of thy not letting them, or any part of them, go out of thy hands to any person, &c."

THE deposit thus made by John Field, was very far from being a compliance with the orders of the whole of the trustees, (in which Thomas Clifford is included) on the 18th April, 1806. Indeed, it was an express evasion of those orders with an intention

No cognizance, whatever, was taken of Field's conduct. On the contrary, they observed the utmost secrecy with respect to it; though, as a committee acting as the representatives of the meeting, they were bound to notice, not only what John Evans would do; but what John Field would not do.

of involving John Evans in difficulty with the meeting, by representing on the part of Field a seeming compliance with his duty: of this, the following paragraph, extracted from same letter, will clearly show.

“**LODGING** those papers, &c. in thy hands, is to moderate John Evans, and to remove his objections; and not to be considered as giving up *my care* of the trust estates; *that must and will be continued*, until matters are settled or closed.”

It would seem by the date of delivery per the above mentioned letter, that five months had elapsed without the fact being known; yet, only a few weeks previous to the receipt of the above copy by John Evans, he was informed by a person, that the papers were delivered to Thomas Clifford. To him, he immediately sent to demand them, as he conceived was his duty; but was informed by Thomas Clifford, that he was not at liberty to let them go out of his hands; and on inquiring how long he had them in his possession, he informed, *about two weeks*; which would bring it to about the middle of October. The above copy of the letter from John Field to Thomas Clifford, must, therefore, have been antedated, to make it appear that the papers were delivered previous to John Evans's case being brought before the meeting.

Of these circumstances and of the letter above mentioned, the committee from the preparative meeting were fully informed; and a bona fide deposit of the papers claimed, was insisted on by John Evans, as absolutely necessary for the faithful performance of the trust:* and from this belief, arose

* Every man of common sense must know, that landed property cannot be sold or transferred without the titles; and if no documents can be had, by which the trustees could perform their functions, the assignments must remain a dead letter; because they are the mere instruments of authority,

his opposition to the views of John Field. Not from any personal grievances which he had experienced, as an individual creditor; all personal considerations he waved; but a conscientious discharge of the important trust he held, was his only inducement to the course he had pursued; and as it regards John Field, he was willing not only to see and converse with him, but also to serve him as he had heretofore done.

NOTWITHSTANDING the information communicated by John Evans to the committee; notwithstanding they saw the original ground of difference, of which John Field so loudly complained, because it tended to wrest from him the property of his creditors; a difference, which arose from, and was intimately connected with the trust business, and which was unquestionably beyond the jurisdiction of the meeting, as regards the assignee; the committee still required John Evans to see John Field *at all events*; which he would not agree to, except as is already mentioned, he would deliver up his papers for the use of his creditors.

THE day previous to the preparative meeting, John Elliott, one of the committee, called on John Evans; at which time, and in the presence of a witness, he promised to communicate to the meeting the whole of the facts relating to the business as circumstanced with John Evans. It will be seen in the sequel, whether this was complied with.

On the 25th of December, 1806, the prepara-

by which alone no acts could be performed. To require, then, as doth the discipline, that assignees should be active in collecting the effects of the estate, and punctual and speedy in making distribution, without first placing the essential substance in their hands, by which that punctuality can have any effect, is requiring to an extent altogether impossible: and yet, if the language of the committee is correct, this must be the natural inference.

tive meeting was held. See testimony of John E. Redman, as follows:

“ *In the preparative meeting of the religious society of the people called Quakers, in the city of Philadelphia, held on fifth day, the 25th December, 1806.*

“ AFTER the clerk recited the case of John Evans, David Bacon, one of the committee appointed to visit John Evans, rose and reported, that they had laboured with him in great love, but they were sorry to state they could not reconcile him to that member; that they must make their report final and leave it to the meeting. He then sat down, and the meeting was silent a considerable time—the subscriber rose and said, he hoped the committee would do John Evans the justice to state the grounds on which they founded their report. But to his great astonishment none of them answered a word. He then rose again and told them, if they would be kind enough to read that paper which John Evans had given them, when last at his house, he had no doubt but it would throw considerable light on the subject.

“ THOMAS WISTAR said, he thought it very proper, if the committee had any information, that they would state it to the meeting; but none of them said any thing. The subscriber rose a third time and said, friends, the minute which the overseers have made upon the case now before you, is incorrect; the overseers never came to John Evans in their official capacity; I was present at the interview, and I heard him ask them, whether they came as friends or as overseers? They said as friends to the parties only. Now I will ask them, how could they as *friends* have access to John Evans, *as such* obtain his sentiments, and as *overseers* report it to this meeting? and informed the meeting that the

truth of what he had said, he was willing to confirm by qualification. The minute then was called for, which the clerk said he had not brought with him, but a friend went for it, and when it was brought, the clerk read it; the subscriber again rose and said, 'Friends that minute needs no comment, if it is a complete fact it will bear up itself; if not, I will leave it to the overseers themselves to judge.' Shortly after he again rose; stated its inconsistency, and urged the propriety of inserting the name of the complainant, as it would give friends generally an equal opportunity with the committee, of deciding upon this important case, by contrasting the characters of the two opponents.

"JAMES PEMBERTON rose and stated to the meeting, that he had known John Evans from a boy, and knew him to be a man of integrity, and that his character was unexceptionable; that he believed he was willing to do right, provided they had proceeded in a proper manner; and that John Evans he knew thought very hard of their treatment of him; and he thought the member's name, who had complained, ought to be known. Peter Andrews rose and observed at some length, but principally that in common, when we begin at the right end of any thing, we generally get forward pretty readily; but he thought things here did not look straight.

"THOMAS SAVERY, an overseer, said he was very sorry to see this place, (meaning the meeting-house) made a place of controversy, and that it ought not to be so. James Pemberton rose and said, in reply, that *it was* a place of controversy, and where facts ought to be known and investigated.

"HERE several friends spoke upon the subject, rather favouring John Evans, by stating the improper situation in which this business appeared.

"THOMAS WISTAR said, it seemed so mangled and inconsistent, it was not fit to go forward.

“THE subscriber again rose and addressed the meeting, hoping they would excuse the warmth with which he had spoken, as his friend and relation was interested, and he could not in conscience do otherwise than call on the committee to state some of the facts attending the business, which the meeting should know, otherwise they were not competent to decide.

“HERE Samuel Bettle rose and said he thought what had been required was improper, as it was customary to appoint committees upon all cases to investigate matters and decide thereon, and report their decision to the meeting; that in this case the committee had done all in their power; and he thought their decision ought to go forward.

“THEN the subscriber, in reply, said, he could not agree with his conclusions, nor with the premises from which he deduced them; for in the way he stated it, it would be deciding upon a decision; that the facts attending ought to be known, otherwise it is deciding without facts, and concluding without premises. In order further to illustrate it, he stated a case situated precisely as this was, which after premising, he concluded with first do justice to the party accused, by placing them upon an equal footing in point of justice; that he was confident when this was done, John Evans would see that person; that he had said so to him and repeatedly to the committee, provided he would comply with certain requisitions of which the committee knew. But my friends, as I have said so much upon this subject, which may appear singular and perhaps subject me to a wrong exposition, I shall say no more. He then sat down.

“JOHN JAMES then rose and said, he was sorry the young man exposed himself so.

“IMMEDIATELY Joseph Townsend rose and said, he hoped he, the subscriber, would keep his seat.

“AND John Thomas in reply said, he thought the friend, Townsend, had assumed what he had no right to, that the young man (meaning the subscriber) had as good a right to speak as any one of them; and that had he, Townsend, kept his seat, it would he thought have been as well.

“AFTER this debate, the committee were continued to next meeting.

“THE foregoing I certify to be a true statement of facts, and nearly in the order which they occurred, to the best of my knowledge and recollection.

JOHN E. REDMAN.

Philada. January 17, 1807.”

BY the foregoing it appears, the preparative meeting committee made report on the subject of their appointment. We would naturally suppose, that after the information they had so recently received, their report would consist of the facts which had come to their knowledge; or at least that the general merits of the case would have been submitted to the meeting.— But what do the committee say? “That they laboured with John Evans in great love, but were sorry to state they could not reconcile him to that member, &c.” No mention was made of John Field, nor a single fact relating to the controversy between him and John Evans was even whispered, but all was summed up in language that implied an absolute refusal, on the part of John Evans, to submit to a reconciliation.

THE committee were, however, disappointed in their intentions of passing a final sentence of obloquy on the accused.

THE manner in which their proceedings were controverted, had an astonishing effect on the nerves of the committee, who, as if struck dumb with amazement, were contented to appear surprised at

information which arrested them on the very threshold of duplicity. And though nothing could have been told them on that subject which they did not already know, yet under pretence of inquiring further into the charge made against the overseers, which, though communicated in the letter of the 29th August to the monthly meeting, and also on the 24th September to the preparative meeting committee, and verbally at other times, they now pretended it to be the first information; and for no other reason than because it assumed more importance from publick notoriety. But so long as the subject remained in the arcana of their own bosoms, the committee overlooked the probability of a future discovery, that the official conduct of the overseers might not be questioned, however extensive the injury resulting from it.

AMONG the other discussions of this meeting, we observe the sentiments of that venerable friend James Pemberton,* in regard to the character of

* This much respected and venerable friend, often called on John Evans, and contributed much to solace and comfort him during that dispensation, wherewith both body and mind had been much afflicted of latter times. And soon after the transactions in this meeting, he informed John Evans that John Field had called and reprimanded him for what he had said in the meeting.

He further informed, that three friends had been with his wife, endeavouring to prevail on her to prevent his attendance at future meetings, during the discussion of this business. Her undue influence she used; and though he frequently called on John Evans, yet he did not attend meetings; or if there, went out before the business came on.

His unaffected sincerity of friendship led him frequently to animadvert on the subject then pending before the meeting; and in one of the social conversations, which he frequently held with John Evans, he said that it appeared to him there was such a determination among the overseers, and a few others of the leaders of the meeting, that it would avail but little to oppose their plans. He also informed, that had this controversy arisen a few years before, when men of sounder

John Evans, whom he said he had known from a boy—that he knew him to be a man of integrity, and that his character was unexceptionable; —that he believed John Evans was willing to do right, if they had proceeded in a proper manner; —that John Evans thought hard of their treatment of him; and *he thought the name of the member who had complained ought to be known.*

WE also observe the sentiments of Peter Andrews,* on the occasion, who, from an unprejudiced view of the complicated situation of the business, considered they had not proceeded in a regular manner.

To all the objections which were urged against the proceedings of the committee and the overseers,

judgment and more penetration directed the meeting, it would not have taken them half an hour to settle it.

James Pemberton was the last of those worthies, who, though active members of the Quaker society, served in the old school of civil government when Quakerism was rational and respectable.

He was for several years a member of the legislature, and associated with many of the active members of the Quaker society, who participated, in common with their countrymen, in the government of the *then* province of Pennsylvania.

He often expressed his regret at the lamentable declension of the Quaker society. And though in patience he possessed his soul, he sensibly felt the slights of the society for not uniting with them, in their late combinations of ecclesiastical power.

* Peter Andrews, an honest-hearted man, and many years a minister in the religious society of Quakers, said a few words, by way of simile, applicable to the discussions of this meeting. He observed, that when we begin at the right end of a thing, we generally get forward pretty readily, but in this case, things did not look straight.

He a few days afterwards called and informed John Evans that John Field had been with him, and reprimanded him for his observations in the meeting. He further said, that he did not call merely to inform of Field's treatment, but with a view to a social conference; and requested to be informed on the business, which was accordingly communicated to him.

reply was made by Thomas Savery, one of the overseers, in a manner truly gothick. He was sorry, he said, to see this place, meaning the meetinghouse, made a place of controversy, and that it ought not to be so. Attaching to the meeting a sacredness, which at all times the society have particularly avoided. That such an idea should be publickly expressed, even of a place for worship, was truly surprising; but as a meeting for discipline, and the digestion and arrangement of the business of the society, is shocking! and merited a more severe rebuke than it received, when James Pemberton replied, "*that it was a place for controversy, and where facts ought to be known, and investigated.*"

ON the evening of the first of January 1807, Samuel P. Griffiths, one of the committee, called on John Evans, at his house, and informed him that the committee and the overseers were to meet together, at the Fourth street meetinghouse, and they wished him to attend.

JOHN EVANS informed him of his present ill state of health, and that a few nights since he had to call up his family, being violently attacked with severe spasms of his gouty complaint; and that his weak state of body and ill health, he doubted, would not admit of his attendance.

ON the next day, the 2d of January 1807, he wrote the committee, addressed to Samuel P. Griffiths and others, wherein he recapitulates the above circumstances; and adds, his having had a slight return of his complaint, since that time. He also mentions the treatment he had received from the overseers in being brought before the meeting as a transgressor, without any regular procedure; that he was refused the Discipline of the society, though requested; and that John Field, the accuser, was admitted into the meeting, to influence their proceedings,

while he was denied by the Discipline* an equal right to appear on his own behalf! These with many other reasons mentioned in that letter, joined to his ill state of health, determined him to wait the issue of the business, in the monthly meeting, before which the resignation was pending.

(Copy.)

“ *Philad. 1st. mo. 2d, 1807.*

“ RESPECTED FRIEND,

“ *Samuel P. Griffitts,*

“ THIS acknowledges thy calling on me at my house, last evening, as one of the committee of the preparative meeting of the religious society of the

* The Discipline on this subject expressly says :

“ Article “ Discipline,” page 35. “ After a charge against a member for disorderly conduct is entered on the minutes of a monthly meeting, he or she *should not be permitted* to sit in any of our meetings for Discipline, till the case is issued, and the monthly meeting satisfied.”

It can scarcely be supposed, that under a civilized government, where the right of a fair and just trial is held the paramount blessing of liberty, any law, civil or religious, could be instituted to deprive the accused of the right to appear in his own defence : yet in the Quaker society, we find this very law operating in full force, and by virtue of which the accused was prevented from appearing : while on the contrary, his accuser was admitted, and combined with his judges, who were also the jury ; uniting in the same persons three separate and distinct characters, whose authority was not to be questioned, however unjust and tyrannical might be their proceedings.

What would the great founder of Pennsylvania, William Penn, have said to such proceedings, if, though tried by a jury of his peers, at the Old Bailey, London, he should exclaim “ I appeal to the jury, who are my judges, and this great assembly, whether the proceedings of the court are not most arbitrary, and void of all law, in *offering* to give the jury their charge in the *absence of the prisoners*. I say, it is directly opposite to, and destructive of, the undoubted right of every English prisoner ; as Coke in the 2d Inst., 29, on the chapter of Magna Charta speaks.” Vide Penn’s Works, vol. 1, p. 94.

people called Quakers, in Philadelphia, and informing me, the committee and the overseers of that meeting were to be together at Fourth street meeting-house this day, and thou wished me to attend.

“ I THEN informed thee, and now repeat it, that I had nothing new to offer; that I had a few nights since a return of them spasms at my stomach, which obliged me to call up all my family, and that my state of health would not admit of it. After thou left me last evening I had, though light, a return of the same complaint, and did not go to bed till near 12 o'clock, and then had but little sleep all night.

“ I AM thus particular in stating the circumstances; for though I consider the meeting with the overseers *now*, all out of time, yet that the business as you call it is before another tribunal, and only in that way according to your plans could it be settled. Was I in good health I would meet you in company with two or three of the creditors of John Field, although I consider the proceedings as a perfect inquisition, and only wants the power of the civil magistrate to execute its authority, and to wreak its vengeance on me.

“ IN the first place, I have been wantonly brought before the meeting, by the overseers, as an aggressor, without due form; refused giving me the specific charge against me, or my accuser; and the Book of Discipline kept from me, although I have requested it. But lately by mere accident I saw the great law book by which I am to be judged, and I think it in many parts objectionable; in its conclusions without premises, and precludes an honest man from seeing his accusers and the judges, before whom he is to be tried, by which means, I am and others precluded common justice; and John Field, my accuser, admitted, and was near the head of the meeting; and he and his friends the overseers, by their presence, deterring a free discussion of the business.

“ HAD the committee done their duty by an open

and just statement of facts, it would have been but just; but instead thereof a long detail was given by one of them, David Bacon, complimenting himself and the committee, at my expense; stating their great love and affection; and that I was laboured with; but forgetting that justice was the first principle of love, and that they should have attended to. It was their proper business to investigate facts and return them to the meeting simply, without fear, favour, or affection to the parties; and let the body judge those facts.

“THE uncandid manner in which the committee treated me, was beneath the dignity of men. Abraham Ledden and John Folwell I admitted to see me on the occasion, and they requested from me in writing, a statement of the business, which I gave them, and they unjustly kept it from the meeting, to which I now refer you. An addition was made to the committee by their request, whom I also admitted in hopes of justice; but to my surprise the last time I saw them, I only knew their design, the old story over again, “see John Field;” when I mentioned to them what was their duty, to do justice in the first place by a deposit of the papers to the assignees, and I would see him, but not otherwise. And when my young friend called on the committee for justice to the meeting, by stating facts in their possession, he was insulted by Joseph Townsend; also by John James shamefully treated, by saying he was sorry the young man exposed himself. I will inform John James what is the sense of his fellow citizens, of the same profession; that he is considered a vain forward man—and had the men that I once knew, governed the society, been living, to wit; Israel Pemberton, John Pemberton, John Reynolds, Owen Jones, Anthony Benezet, Hugh Roberts, Dr. Moore, &c. the young man would not have had occasion to call on the committee; and such strength would have been given me as an assignee to Fields’ estates to act as an

honest man, in the cause of truth and justice, to John Field's creditors, as would have been consonant with the principles we profess as Quakers.

“ WAS I charged for treason against the state, it is the privilege of the English law that a man is to hear and see his accusers, and where it does not exist, either in church or state, it is tyranny. I shall only refer to Discipline, article “ Law,” page 41, also article “ Trade,” page 131, ‘Advised that when friends, &c.’ as it refers to John Field's business, as it regards the overseers and committee in the case.

“ I HAVE no doubt that was Robert Smith a member of meeting as I was, he would have been complained of, as John Field charged him repeatedly to me with injustice in receiving cash of him on a joint concern for himself and as an agent, and passing it all to his own credit,* and it is not to me only that he has said this, but to several others, and to one person I believe, latterly. Robert Smith denies the charge, to whom I give credit; and his respectability as a citizen is acknowledged. This is intended to show John Field's character, or if innocent let him prove the facts.

* The statement above, in relation to Robert Smith, was introduced for the purpose of showing the general character of John Field, not supposing the letter would be brought to public view; but since the publication is rendered indispensable, it will be necessary to make a few observations on that subject.

Robert Smith, acting as an agent for a concern in Europe, and being a creditor to a considerable amount, in his own right, received from John Field a transfer of sundry debts, in part payment. The collection of those debts being doubtful and hazardous, some of them payable in Kentucky and the southern states, he had therefore a right to use his own judgment, in regard of his own claim; but not as it related to a trust for another. And had he acted differently, he would have been responsible to his principal, for contingencies that might arise; but as his claim in the agency was direct on John Field, his conduct appears to me to be justifiable, as a man and a merchant; and the assertions of John Field are unjustifiable and reprehensible.

“ I NOW hand to the committee my letter to the monthly meeting; a certificate from my wife and John E. Redman, respecting the business with the overseers; John E. Redman, respecting Thomas Savery; and wish you to call on George Heberton. Abraham Ledden has mine to him and John Folwell, and you have the one last week handed you. There is mine to the committee of the monthly meeting, which you can procure, I suppose, of Robt. Smith, Secondstreet.

“ HAVING submitted all I intend on this trying occasion, as my health is much affected, and refer to my physician Samuel P. Griffitts, who has seen me in deep distress, in my spasms, which has been occasioned by John Field, and the countenance and encouragement of the overseers, and their conduct. Remember, friends, my much esteemed friend Job Bacon, and the cause that produced his illness and death. And I have seen my much esteemed friend Owen Biddle in my house, when he has related the treatment of John Field, almost frantick or insane, from his treatment. This being the case, you will now, knowing my state of health, and that I cannot bear up under your pressure, excuse me when I inform you, I will neither see the overseers, nor the committee of the meeting again on this business; and should I fall by those spasms, my blood is on the overseers' heads.

“ It is my sincere desire that the society may arise out of their state of bondage to matter, and that they may have judges and counsellors as in my minority.

Thy friend,

(Signed)

JOHN EVANS.

*To Samuel P. Griffitts David
Bacon, Abraham Ledden,
John Elliott, John Folwell,
and John James, a committee
from the preparative meet-
ing.”*

“JOHN EVANS being unwell, a copy of the foregoing letter was delivered by me, to Dr. Samuel P. Griffiths, then in company with the overseers and committee, at Fourth street meetinghouse, on the day of the date of the above.

JOHN E. REDMAN.”*

Extracts from the Book of Discipline.

ARTICLE “Law,” page 41, “If any member is complained of for withholding a just debt, he or she should be tenderly urged to payment; and if this is unavailing, be dealt with as in other cases of disorderly conduct. And if any of our members appear unable to satisfy their creditors, they should be advised to call them together without loss of time, and submit the state of their affairs to their inspection; when if the creditors apprehend a surrender of the debtor’s effects to assignees, for the benefit of the whole to be necessary, let him or her be earnestly intreated to consent; and if they refuse so to do, the monthly meeting should be informed thereof; when if the party still persist in refusing, he or she should be disowned without too long delay.”

ARTICLE “Trade,” page 131. “Advised, that when friends accept the office of trustee or assignee, they be active in collecting the effects of the estate, and punctual and speedy in making distribution.”

ARTICLE “Discipline,” page 35. “After a charge against a member for disorderly conduct is entered

* Note—By the foregoing letter it appears, that John Evans considered the meeting with the overseers and committee, was merely on the same ground, he not being informed otherwise, as was requested, in the origin of the business, to inform them on the trust, and which as citizens and Christian brethren, it was their duty to have done, but which they then refused, though upon this principle, as Samuel P. Griffiths informed John Evans, in the presence of his wife, that they had entirely dismissed the complaint of John Field.

on the minutes of a monthly meeting, he or she should not be permitted to sit in any of our meetings for discipline, until the case is issued, and the monthly meeting satisfied."

ON the 28th of January, 1807, John Evans addressed a note to Samuel P. Griffiths, requesting him, as one of the preparative meeting committee, to inform the meeting, by a statement of the business, as it regarded him, the overseers, and John Field, that the meeting might judge of its merits.

(Copy)

"JOHN EVANS's respects to Samuel P. Griffiths, and requests him as one of the committee from the preparative meeting, to inform the same the whole state of my business, as it regards the overseers, John Field, and myself, as it is a justice due me, as also the meeting, in order to judge of the merits of the case. If that is not done, I shall consider it as an association with the overseers, to defame me, and mal-administration in your conduct. I have requested the same by James Oldden, junr. to his grandfather David Bacon, and he says, he is but one. I now request it of thee, and all the committee through thee.

Am thy friend,

Philad. 1st mo. 27th, 1807.

"P. S. I HAVE been much affected with my gouty spasms lately, and had to call my family up last week, and was bled at 3 o'clock in the morning. I am mostly confined to the house.

Samuel P. Griffiths."

"A COPY of the foregoing was delivered by me into the hands of Dr. Griffiths.

JOHN E. REDMAN."

ON the next day after the above letter to Doctor Griffitts, being the 29th of January, 1807, another preparative meeting was held. See the following certificate :

“ On fifth day, the 29th January 1807, In the preparative meeting of the people called Quakers, in Philadelphia. .

“ THE case of John Evans having been recited by the clerk, the committee from the preparative meeting rose, and David Bacon, one of the committee reported, that they had appointed a meeting with the overseers, at which they requested John Evans to attend, but from indisposition he did not ; though he sent them his ideas in writing very fully on the occasion ; and this was all they had to say.

“ WILLIAM WILSON rose and remarked, that the committee had rested the non-attendance of John Evans principally on his indisposition ; which he thought a sufficient plea, and rather supposed from that circumstance, that the committee still intended to continue that case under care. In these remarks he was supported by a number of friends.

“ JOHN JAMES said, though John Evans did not meet them, he had sent them a letter in which he had expressed his intentions ; and that he would not see them any more upon that subject. Here he recapitulated the great labour bestowed on John ; rather complimenting himself, by stating his willingness to do any thing for him, &c.

“ DOCTOR GRIFFITTS, who is John Evans’s physician, stated the indisposition of John Evans ; and that owing to it, he was really incapacitated to transact the common concerns of life ; that he had spent the last evening with him, and observed that common conversation affected him very considerably ; that his situation was extremely trying ; that he felt for him very much, he could say with sincerity.

His case, he said, was a very uncommon one ; and from him he understood, that he would not see any person, from the meeting, on that business. It was not from any want of respect to friends, but entirely owing to his health.*

* There were some material points operating in favour of John Evans, as plaintiff, in the late action ; the proof of which rested with Samuel P. Griffitts.

He was called upon to show, first, that on the 23d of July 1806, he with some others met at John Evans's house, by John Evans's request, where they were informed by him, of the intentions of the overseers, as related by Caleb Carmalt, to carry the complaint of John Field against him, to the next preparative meeting.

That at John Evans's request, he and the others went to the overseers, and requested a conference with the overseers, in their company.

That the overseers would not grant the conference with John Evans, as he requested ; but agreed to dismiss the complaint against him.

That on the same day, Samuel P. Griffitts called on John Evans, and informed him of the agreement of the overseers ; and that he might make himself easy on the occasion, as the complaint of John Field was dismissed and finally settled.

That from that time, until the evening previous to the next preparative meeting, in August following, he had never been informed, directly nor indirectly, by the overseers, or any other person or persons, of the complaint of John Field against John Evans, being again resumed by them.

That on the evening previous to the day of the preparative meeting in August, he was called upon by John Evans, and informed of the overseers having met in the afternoon of that day, and had agreed to take the complaint against him, on the next day, to the preparative meeting.

That as the overseers had agreed with him and the others to dismiss the complaint, he did not believe the information to be correct ; and at John Evans's request he called, and inquired of the overseers, by whom he was informed, they intended to carry the complaint forward the next day.

That he called on same evening at John Evans's house, and informed him, in the presence of his wife, of the circumstance.

Secondly. That the indisposition of John Evans was as represented by him in several meetings ; and that he would have given the same in evidence in the court ; showing that by

“AFTER the statement given by Doctor Griffiths, several friends hoped the business would lay for another month.

“ELIJAH WARING said, he thought it would be very unbecoming to go forward.

“THERE appeared but one person divided on this sentiment; and that person was Samuel Bettle. He opposed its being deferred, on the grounds of the length of time which it had been before the meeting. He observed that deferring the case to another month, principally rested on the present indisposition of John Evans. He stated that this indisposition had been some time, and from that inferred there was but little probability of speedy recovery. He observed nothing could be gained by its being deferred, as ultimately it would be decided one way or other; and he thought this as proper a time as any.

“BUT this opinion was overruled, and the case was deferred another month.

“WE certify the foregoing to be a true statement of facts, and nearly in the order in which they occurred, to the best of our knowledge and

severe illness the plaintiff was “incapacitated to transact the common concerns of life, &c.

Thirdly. That the case of John Evans as plaintiff in the pending action, was introduced into the meeting for sufferings; and that a committee was appointed to aid, advise, and assist the defendants, though no minute was made on the subject.

That, in particular, having been several times informed by John Evans of the case being before the meeting for sufferings, and that Nicholas Waln had repeatedly acknowledged himself to be one of the committee, he would have been enabled, as a member of that body, to have stated the circumstances.

But as his memory in all those material points did not serve him to testify to the facts in a court of justice, the principal evidence in favour of the plaintiff was consequently lost, and the object of the prosecution, in great measure, defeated.

recollection, being present the whole time of the meeting.

JOHN E. REDMAN,
NATHL. HOLLAND.

Philad. January 31, 1807."

HAVING laid before the reader the various movements of the overseers and committee, as regards the business in the preparative meeting, together with the sundry documents to substantiate the statement, I shall now leave the subject in that meeting, and proceed to exhibit the business as taken up in the monthly meeting, in consequence of the resignation of John Evans and wife, which about this time began to be revived, from a belief that nothing would be done by the monthly and preparative meeting committees.

IT will be necessary, in order to state this part of the business clearly, to revert to the first appointment of the committee, by the monthly meeting.

I HAVE already stated the object of their appointment, it being on account of papers exhibited to that meeting from John Evans; one of which was his and wife's resignation of membership; and the other the reasons for the resignation.

I HAVE also mentioned, in a preceding page, that this committee had an interview with John Evans, at their request, in hopes of an accommodation of the business in the preparative meeting. But as in the foregoing pages we may observe that this desirable end was not effected, the resignation, of course, resumed its former position, and was considered the only means of security against the further encroachment of the overseers, or the preparative meeting committee.

ON the 1st of September, 1806, John Evans addressed to the committee of the monthly meeting a letter on the subject of the business in the prepa-

rative meeting, including the conduct of John Field to his assignees under the trust; the situation of the trust business; the complaint made against him by John Field; and the conduct of the overseers in regard thereof.

THIS letter I have already introduced in page (40) but as it may not be amiss to introduce the subject in this place, with respect to some particular sentiments and observations contained therein, I beg leave to refer the reader to a reexamination of its contents.

IN this letter, the grounds of John Field's complaint against John Evans are mentioned, as arising from his opposition of John Field's appointment, as agent under the trust.

AFTER mentioning the various modes adopted by John Field to obtain the agency of the trust, he thus expresses himself on that subject: "Those observations are made in order to inform you, in part, where my difficulties first began with the overseers. He then entered complaint to them on the occasion, though it was not much acted on at that time by them; as I frankly told them I could not in conscience come into the measure. But lately by a conversation with one of the overseers, I find that my not joining in the agency *was the principal complaint of John Field*, though I considered it at that time, as another subject; and handed to them the writing objected to, and conversed on the subject. They had it a longtime in their possession, and returned it to me without any objections; and I have always considered it since as finally settled."

FROM this paragraph we gather, that the complaint of John Field, although couched in the terms of a mere personal difference, under pretence of obtaining an interview, was with a view to a very different object. The interference of the overseers, under the existing circumstances of the case, was for the

purpose of compelling through the terrors of the discipline, and the consequent exposure that would follow, the accused member to give up a civil right; to sacrifice his opinion on matters of conscience, as well as of right! and should it fail of accomplishing its object by *in terrorem*, then, to publickly expose and maltreat his character, as a defaulter!

THE exercise of mind, occasioned by the treatment thus received from John Field and the overseers, joined to the infirmities of age, conduced much to increase a complaint to which John Evans had been for some time subject. And at this time, he was frequently attacked with gouty spasms at his stomach; with much violence; insomuch, that at all hours of the night, his family have been obliged to get out of bed, and assist in procuring him relief. The manner in which he was attacked, was by great oppression at his breast; and apparent suffocation; the general remedy was bleeding.

THE perplexities of John Field's business, had for a considerable time before, much impaired his health, and somewhat predisposed him to a gouty complaint.

THE frequency of those attacks, so much reduced his health, that he was unable to transact his usual business, as a dry good merchant, for several years.

THUS when all eyes were closed in the peaceful serenity of undisturbed slumber; when the oppressors enjoyed their natural rest; callous to the reflections which their unrelenting cruelty had cast upon the head of innocence; at the solemn hour of midnight the poignancy of reflection still visited the pillow of the oppressed; and converted the chamber of repose, into scenes of anxiety and pain! what, though conscience does not upbraid, nor memory mar the retrospection of the past, yet the oppressors triumph beyond the reach of the law, and shield their actions under the mask of religion!

THE frailties of human nature, however supported by a clear conscience are nevertheless subject to impressions, which the vicissitudes of life are perpetually presenting; and however laudable may be the abstraction of these infirmities, yet he must be more than man, indeed, who does not feel the arm of persecution, to interrupt his domestick peace and happiness.

IN consequence of the proceedings in the meeting, which John Evans conceived seriously affected his character, as an assignee to John Field's estate, and being desirous of having the aid and advice of some of Field's creditors in the business of the trust, he convened several of them at his house on the 23d of December, 1806, and having the deeds of trust and sundry other papers relating to the business laid before them, which they perused, they approved of his conduct in resisting the appointment of John Field; and directed him to proceed legally to obtain possession of the papers relating to the trust. See the following certificate:

(Copy.)

“ At a meeting of the creditors of John Field and John Field & Son, at the house of John Evans, one of the assignees, being called by John Evans for aid and advice in business, December 23d, 1806,

“ Present,

“ WILLIAM POINTELL, attorney for Bank of Pennsylvania,

NATHAN SELLERS,

JOHN BIDDLE,

JOHN STARR, attorney for his father,

RICHARD C. JONES, for Ann Atmore.

“ AFTER hearing the deeds of assignment read, and several letters, this meeting fully approved of

the conduct of John Evans, in resisting the appointment of John Field, as agent of the assignees; and recommended that John Evans should consult counsel, and pursue legal measures, for retaining the title papers, now in the hands of Thomas Clifford; and also for obtaining all others from the said John Field. It was also the opinion of this meeting, that an agent should be appointed to view the lands assigned, and report their state and situation to the assignees; and that a sale should take place as soon as the assignees should think proper."

(Copy.)

"Philad. Dec. 31, 1806.

"I WAS not present at the meeting of the creditors, whose proceedings are herein stated; but having since examined the papers, and been informed of the circumstances, by Mr. Evans, I freely concur in the sentiments within expressed.

(Signed) W^M. MEREDITH,
Attorney in fact for T. Gould & Co."

(Copy.)

"I WAS not present at the meeting of the creditors, whose proceedings are herein stated; but having since examined the papers, and been informed of the circumstances by Mr. Evans, I freely concur in the sentiments therein expressed.

(Signed) THOS. WOTHERSPOON,
Agent for the estate of Wm. Christy, deceased."

THE above mode recommended by the creditors of John Field, will be found exactly to correspond with the sentiments of John Evans on the subject: but above all, we find they approved of the measures.

adopted by him for their benefit, as individuals interested in the event, although objected to by the overseers of the Quaker society; and by them considered as evidence sufficient to warrant their denunciation!

WHEN we consider that some of those very creditors, so approving of the conduct of John Evans, are members of that society; not strangers to their principals, nor unacquainted with their discipline,* strange indeed it must appear, that uprightness of conduct, and a conscientious discharge of important duties, should be found in the opinion of the overseers, adverse to the principles of that society, and derogatory to the moral regulations of their Discipline!

ON the 15th January 1807, John Evans addressed a letter to Samuel Pleasants and others, a committee of ten (say nine) from the monthly meeting, enclosing sundry documents relative to the business of the trust; also respecting the overseers and the preparative meeting committee.

“ *Philada. 1mo. 15th, 1807.*

“ RESPECTED FRIENDS,

“ *Samuel Pleasants, Thomas Wistar, Robert Smith, and others, a committee of ten (say nine) from the monthly meeting of Philadelphia.*

“ ALTHOUGH I feel a conscious dignity arising from my endeavours to do justly as an assignee to the long injured creditors of John Field and John Field & Son, yet the peculiar trying circumstances that I have to labour under with the overseers of the religious society of the people call-

* John Biddle, one of the creditors, thus approving of John Evans's conduct, was clerk of the monthly meeting at the time.

ed Quakers, and some of the committee from the preparative meeting, aided by John Field, is truly affecting; especially as I have a gouty complaint which has been much increased by the cruel treatment I have lately received from those persons, and which I consider unprecedented, and as an unjustifiable attempt to compel me, as an assignee, to Fields' estates to do violence to my conscience, in appointing John Field an agent in this business; and which I know, is contrary to the judgment of a number of his respectable creditors. And as some of the committee have seen my papers relative to Fields' estates, and endeavoured to bring the overseers to a sense of their duty, and which was then expected, yet they were disappointed; and, in the wanton abuse of their power (a power that I never delegated to them, and had no more act in than I have in the appointment of a member to the parliament of Great Britain*) they brought me to publick view as a defaulter, forgetting their duty as overseers, and common justice to me and to John Field's creditors. The overseers know that complaints have been made against him, and they have refused to attend to them.†

* The strength of this sentiment, as a general declaration of a fact, in which the whole of the society are immediately concerned, requires some elucidation, that the grounds of this opinion may be submitted to the reader, as well as the inference.

The appointment of the overseers is by a committee of a few; and as the overseers and elders do themselves constitute a majority of active and influential members, they are always concerned in the appointment of the committee, and consequently in the reappointment of themselves; and in the same way, are the general appointments throughout the society!

Thus the general body of the society have no manner of participation in the appointments, and consequently may be said to contribute just as much, as in the representation to a British parliament!

† Samuel R. and Miers Fisher, merchants of this city, had a claim on John Field to a considerable amount, as agents for

“THE occasion of my present application to you is simply this; as it was at your particular request with some other friends whom I esteem, that I agreed to see the committee of the preparative meeting, expecting an accommodation would have been effected with me and the overseers; as my beloved wife and myself considered ourselves detached from the Quaker society on the receipt of our resignation by the meeting, and although I think myself unjustly treated by that committee, as they were in full possession of all the facts, both as it related to the overseers and John Field, as also my objections to see him, on account of his not delivering all the papers to his assignees; and their withholding this information from the body that appointed them, is injus-

a house in Europe. After waiting on, and confiding in his promises for a considerable time, in their endeavours to recover the claim, the treatment they received from him was such, that they considered it proper to make complaint against him to the overseers of the meeting, which they did; but as the overseers would not recognize the complaint, Samuel R. Fisher informed John Field, that he would in a few days avail himself of a rule of the society, and make complaint in his own person, in the monthly meeting. In consequence of this determination, John Field called on John Evans, and informed him of the circumstance, desiring him to wait on Samuel R. Fisher, on the occasion, and use his influence to prevail on him, not to make the complaint. John Evans went to Samuel R. Fisher, and had a long conversation on the subject; but he would not agree to relinquish his intentions; though as appeared afterwards, he did not make the complaint. It is presumed from circumstances, that they have since declined the agency, and that another person represents that claim. The present overseers are the same men, to whom Samuel R. Fisher complained, and which, considered with their treatment to John Evans, is a conclusive evidence of John Field's influence over them.

It may be proper just to mention, that John Field often called on John Evans, on occasions, for his interest and influence in his behalf with individual creditors, which was generally attended to; conceiving that true friendship is not bound by interest, but alike due to adversity as to prosperity.

tice to the meeting, and especially so, as it regards me as they know I am by the discipline not permitted to be present; which is erecting a tribunal of tyranny, not known in America, except amongst this religious society. And when my young kinsman called on the committee to state facts that he knew was in their possession, he was insulted by John James and Joseph Townsend, although as a member, he had a just right to offer his sentiments.

“ I HAVE one consolation; I have done every thing in my power that is just to expect, to prevent a transaction as it regards mine and my wife’s birth-right in the society, which in its issue may effect the society.

“ I NOW hand the several papers as per annexed schedule, as it relates to the committee, the overseers, and myself; and appeal to your feelings on the occasion, requesting you jointly and severally, when my case is again before the preparative meeting, you will in common justice to me, give a plain state of facts, of which those documents will, as it regards the overseers, the committee, and myself, inform the meeting: the exercise of my mind is such, with a gouty spasm at my breast, that I cannot support under it; and that we again desire our resignation may be accepted; and that for those various causes of which you are fully acquainted, we will not again see any committee from any of the meetings on the occasion.

“ HAVING briefly premised this unpleasant subject, referring to the documents handed, permit me to observe, as I verbally hinted to Thomas Wistar, when at my house, as one of the committee from the monthly meeting, that I cannot but think some other cause, than the one of John Field, has occasioned the treatment I have received from the overseers. It may be to gratify some favourable object or person not known; or for my former sentiments, which I shall briefly recapitulate.

“FIRST. Soon after the federal government was formed, to which I confess a great attachment, the yearly meeting made discipline that attached excommunication to the party that was concerned in purchasing certificates. From a love to the society, and a fear that the yearly meeting had committed it, I acknowledged myself guilty of using my endeavours to prevent its execution, and spoke to James Cresson, Mark Miller, and several other active friends, on the occasion, and by argument and facts made such observations as carried their evidence; and there was but one case that I know of, in which the discipline was acted on; and in that case I rose once, and only myself that dissented, and I spoke a few sentiments informing my dissent to the transaction. I considered *that* discipline highly reprehensible; and if it is not misprision of treason against the United States, it is very near that appellation.*

“SECONDLY. The next charge against me to which I plead guilty, was, that I have opposed the building of the meetinghouse on the burying ground, and the selling the meetinghouse on High street. In the first place having an extract of William Penn’s donation of the burying ground, I was then, and am now, decidedly of opinion, that it once being occupied by the interment of the deceased as that ground was, and full, that gave a fee to the body *interred* and the friends of the deceased. That

* From a sense of duty to himself, to his country, and to the religious society of Quakers, those remarks were made, remembering also that important gospel injunction.

1 Peter, chap. ii. verses 13, 14, 15, and 16. “Submit yourselves to every ordinance of man for the Lord’s sake; whether it be to the king as supreme, or unto governors, as unto them that are sent by him for the punishment of evil doers, and for the praise of them that do well. For so is the will of God, that with well doing ye may put to silence the ignorance of foolish men: as free, and not using your liberty for a cloak of maliciousness; but as the servants of God.”

the common law of the land and custom from the earliest ages justifies, and an attack on it was suicide against the common feelings of men, and the laws of nature; and for a few to remove a meetinghouse from the very centre of its members which is acknowledged, that has been, and used for a century by many of our forefathers, is trying and unjust; especially when the mode is contemplated in which it was effected; and very considerably by strangers that had not a right to be heard on the subject. Witness the committee of twelve persons from the yearly meeting; also the meeting of sufferings. Perhaps I was more hurt than some others, for before it was publickly known, my wife was at John Field's house, and there were a number of men friends, none of whom she knew but John James, when the plan was opened, a meetinghouse on the burying ground, and Market street meetinghouse to be sold; and the members from Chesnut street to the southward were to be sent down to Pine street: all this under the cloak of religion, justice, and truth.

“THIRD CHARGE. For not attending monthly meetings; having already verbally given my sentiments to some of this committee on the subject, just add, that I considered those proceedings much in the form without the power; that business is done by a very few, a mere aristocracy, though apparently otherwise. It gave me great concern in this enlightened age and country, where all religious opinions are tolerated, to hear so much said about what was called hireling ministry; as I considered it had a tendency to lessen the respect to the Christian religion, and weaken the evidence of the divine origin of the New Testament; and as many of my fellow citizens believed it right to adopt another mode, if they left me mine, I had no right to attack theirs. I consider it highly improper and unjust; and were

the society to receive from others what they mete out to them, I am confident more than myself would feel pain, and would act in a very different way to our Christian brethren who differ from us, than at present. And I trust the day is not far off, when it will be accomplished.

“FOURTH OBJECTION. My not receiving William Crotch in my family. I hand 'a letter then wrote to my friend John Elliott on this subject, in answer to his, to which I refer.

“I HOPE as I have opened my mind to you as it relates to me on a painful subject, and I expect this will be the last on the occasion, although it may not be all in your province, you being only a committee from the monthly meeting; but as my character, both civilly and religiously, is interested, I trust the freedom of my communication will be kindly accepted, and you will now be informed of the spring of action in this business.

Am your friend,
(Signed) JOHN EVANS.

“List of papers handed.

- “1. Copy to John Biddle, 8th mo. 27 and 29
2. Copy to Samuel Pleasants and others, a committee of ten
3. Copy to Abraham Ledden and John Folwell
4. Copy to David Bacon and others
5. Testimony of Barbara Evans and J. E. Redman
6. Copy to Samuel P. Griffitts and others
7. Copy to John Field, 11 mo. 14, 1806
8. Copy to John Elliott, 3 mo. 20, 1805

“THE above papers, when the committee have perused them, Joseph Cruikshanks will please return them to me,

JOHN EVANS.”

(Copy of a letter to John Elliott.)

“ I RECEIVED thine of yesterday afternoon, and have no doubt of thy sincere friendship, and I think I can use to thee, in reality, the appellation of “ Dear Friend,” and, in the general give thee the right hand of fellowship. Though it is a point with me, both in writing and in conversation, to avoid entering into altercations on religious subjects, yet thy request of receiving from me, and the obligations of friendship, as well as justice due my own sentiments, induce me to make a few observations, which I hope, if differing in sentiment from thine, they may be received in that “ Christian Charity, that thinketh no evil, that is kind, endureth all things, not striving for the victory.”

“ WILLIAM PENN’s observation, as it regards moral and religious subjects, in the first place is necessary to be attended to, as the foundation stone; when he urges the necessity of having *right opinions* and *just apprehensions* of GOD; that I believe, agreeably to Scripture testimony, no other foundation can any man lay than that which is already laid, “ Christ within the hope of glory :” and which thou and I have very often heard communicated to us in younger years, by experienced ministers among us; of whom it might be, in a good degree, said, they were “ *determined to know nothing amongst us but Jesus Christ, and him crucified:*” *his grace* they preached as essential to salvation.

“ I AM in sentiment with thee, in the general, of a diversity of gifts in the church and among men; but if facts speak, without limiting Omnipotence, the same powers are not *in the present day*, as were in the origin of the Christian Church; for *then* was the gift of healing, and working of miracles; and were accompanied with the “ discernment” of spirits, &c. &c. Were *the same* powers of healing, &c. now

to accompany, with *the same* circumspection of life and conduct, it would carry its own evidence, as to ‘*discernment* ;’ but, as the power of working miracles, and healing, on the *persons* of men, as was specially given the *apostles*, *do not continue*, an attempt to support it in its full latitude, as in the apostles’ time, appears to me *dangerous to the individual who attempts it, by producing religious vanity*, and may be seriously affecting to the society with whom it is accepted ; as recent circumstances of unsoundness in the ministers of this society have sorrowfully demonstrated ! In ancient times, the apostle Paul wrote to the church at Galatia, where he says, ‘ O foolish Galatians ! who has bewitched you, who have begun in the Spirit, *and think to be made perfect through the flesh !*’ Indeed, the general tenor of the writings in the New Testament, teach an inward religion, by the power of truth on the soul ; and is opposed to the yoke of forms of a heated imagination, that was very early attempted in the Christian Church.

“ THESE are not intended as personal strictures on the friend William Crotch ; but as general observations, in reply to thine. As I have been confined to the house many months, and heard him but once before I was sick, I know but little of him, though I have been informed of his publick appearances ; and from that, I should take him to be an innocent, well-meaning *simple friend*, and not much of vanity in his appearances. Perhaps it might be of use to him to be acquainted with the 14th chapter of the Acts, where he would observe the great temptations of Barnabas and Paul to vanity, by the priest of Jupiter, for a miracle Paul had wrought on a cripple.

“ As thou mayest expect to be informed my special objections to receive him in my family ;—in the first place, we have abundance of religious publick meetings ; and I think it best not to be hasty in lay-

ing on of hands on ministers to services; and secondly, those visits of families have become, I think, too common, and are gone into by both young and old. Though I do not say with the Apostle Paul, 'that I do not suffer a woman to preach;' remembering that angelick minister Sarah Morris, whose great natural abilities were sanctified by the power of truth, to the comfort and edification of the church; yet what has occurred in England and Ireland lately, and the publications* it has occasioned, both in London, Liverpool, and Ireland, should be a *watchword*, not only to guard against well-meaning men, as well as women, that may come amongst us from Europe, but *even amongst ourselves*.

“THE manner in which this visit is undertaken by William Crotch, is exceptionable to me, and not agreeable to ancient good order; not being accompanied by solid, sensible elders; is a bad precedent; and opens a way for forward spirits, to im-

* The publications alluded to in the above, are

- “ *Three pamphlets entitled An Appeal to the society of Friends, in the case of Hannah Barnard.* Pub. Lon. 1801.
- “ *A Narrative of the proceedings in America, of the society called Quakers, in the case of Hannah Barnard.* Pub. Lond. 1804.
- “ *Some tracts relating to the controversy between Hannah Barnard and the society of Friends,* 1802.
- “ *Narrative of proceedings of the Quakers in Ireland, by John Hancock, late an eminent preacher in the society, containing the proceedings in his case, with his resignation of membership.*
- “ *A Narrative of events which have lately taken place in Ireland, among the society called Quakers.* London, 8vo. 1804.
- “ *A Memoir of proceedings of the society of Quakers, in the case of the author of A Narrative of Events which have lately taken place in Ireland—together with the disownment of the author.* By William Rathbone. Liverpool, 1805.
- “ *The Recorder, being a collection of tracts and disquisitions, chiefly relative to the modern state and principles of the people called Quakers.* 2 vols. 8vo. By William Mathews, late a minister in the society. Bath, 1802.”

pose their company on the members of a society; and the manner in which he appears in the families, is not approved of by me, his taking one by one, and the high tone in which his visits and communications are rated, is not consistent with my judgment, and may have a tendency *to raise the mortal above measure*, and assume the powers, which Omnipotence only can raise in the soul, and perfect through that grace and principle, *which is alone able to salvation!* I have another objection; such as the present truly sorrowful state of society, and the effects attending; and to use the old adage, ‘Like priest like people;’ and other reasons, which I think not necessary to mention, being so goaded by priests and leaders amongst us, which perhaps, may excite in my mind if they were mentioned, strictures that would not be pleasant to me to make, or thee to read. I am sensible of the silent contempt I have witnessed, and that my not joining in the general cry, ‘*great is Diana of the Ephesians,*’ will much increase it. However, be that it may, I must leave the event, after having complied with thy request of an answer: and, as *thou hast been* formerly under a degree of persecution, as *I now am* for my sentiments, hope thy sympathy; and be assured, if we differ in sentiment in *immaterial things*, let us labour after ‘*Charity,*’ *which is the head of the Christian virtues.*

Thy real friend,

JOHN EVANS.

Fourth day morning, 3mo. 20th, 1805.

JOHN ELLIOTT.”

“ P. S. I HOPE thou wilt not consider me opposed to friends generally from Europe. I wish they would move only in the proper line of their ministry, and friends would respect them as men, and not almost raise them above that level to their injury.

I have not forgot my dear friends John Wigham, Mary Pryor, and that honest-hearted innocent friend Jervis Johnston, and the truly honest gospel simplicity of Joseph Cloud, lately amongst us."

(Copy.)

" Memorandum on the death of William Crotch, annexed after the above letter was written.

" WILLIAM CROTCH, a Quaker preacher from England, on a religious visit to the United States of America, and who was the occasion of the foregoing remarks and observations, residing then at John Elliott's, and continued there some considerable time after the letter was written, finished his religious visits generally to the families of the Quaker society in the city.

" HE afterwards proceeded on a religious visit (so called) to the Eastern states, where he remained some time, after which he returned to Philadelphia; but for some cause not known to the writer, he did not on his return make his home at John Elliott's, but resided at Alexander Wilson's, Walnut street, where he staid several weeks preparing for his embarkation for England. And on the 20th of the 12th month, Dec. 1806, the day he was to embark for London, early in the morning of the day, say 8 o'clock, he came down stairs, went into the necessary, fastened the door, and then and there cut his throat with a razor. His long stay in the house created uneasiness, and on breaking open the door they found him still alive, weltering in his blood; but he could not articulate, and died in a few minutes after. He was interred the same day in the Quakers' burial ground, corner of Fourth and Arch streets, in this city.

" AFTER his death, it was reported he had committed some serious mistake in his religious visit to

the Eastern states. Another report was, that he was in habits of drinking strong drink to excess. The writer not being in the secrets of the Quaker society, of course unable to form a judgment on those various reports, leaves him to the mercy of a merciful Creator; with whom, the desire of the soul is an acceptable sacrifice.

“THUS died William Crotch, a man who was almost deified, and who, but a few months before, was viewed as a prophet amongst the Quaker society.
JOHN EVANS.

Philada. Nov. 10th, 1808.”

ON the day of the monthly meeting held the 30th January, 1807, John Evans wrote to John Biddle, clerk of the monthly meeting, desiring him to bring forward the papers lodged by that meeting in the hands of its committee, as per the following note.

(Copy.)

“*Philada. 1st mo. 30, 1807.*

“RESPECTED FRIEND,

“*John Biddle,*

“I HAVE wrote to the committee on my case, and informed them that I requested the papers addressed to thee, and committed to them, to be brought forward, and also informed them that I would not see any other person on the occasion, as my state of health would not admit of it, having frequent spasms at my breast of a gouty complaint, and the exercise of my mind much increased them.

“THOU wilt, if necessary, please to call on the committee, as clerk of the monthly meeting.

Am thy friend,

JOHN EVANS.

JOHN BIDDLE,

*Clerk of the monthly meeting of
the religious society of the people called Quakers in
Philada.”*

IN consequence of the letter from John Evans to the monthly meeting committee, they came to a determination, as appears by their report at the next monthly meeting, to settle the business in the preparative meeting, by adopting the resignation.

“ In an adjourned monthly meeting of the religious society of the people called Quakers, in Philadelphia, held on sixth day, January 30, 1807.

“ THE clerk inquired whether the committee to whom were referred communications from John Evans were prepared to report.

“ THOSE of the committee who were present, rose, and Samuel P. Griffitts, one of the committee, reported, that they had perused the papers attentively; that one of them, the committee thought, was not proper to be read; but as it regards the paper containing the relinquishment of membership, it was very short, and nothing improper in it; they therefore submitted it to the meeting.

“ AFTER silence for some time, an objection was raised by some person, as to the propriety of its being read. And Joseph Townsend, whose forwardness is at all times conspicuous, said, he hoped the paper would not be read, as it would establish a precedent by which friends might hereafter involve themselves in difficulty.

“ IMMEDIATELY Ellis Yarnall, who is a very influential character, said he objected to reading the resignation, from the precedent that would be established, as it would open a door for others, whose cases might be in the preparative meeting, to adopt the same mode, and frustrate the testimony of friends against offenders, by evading the execution of the discipline.

“ THOMAS PARKER said, he could apprehend nothing to fear on the account of the precedent, as it was not the first time such things had been done.

“ THOMAS WISTAR said, it was his opinion that any member had the privilege of resigning his right in any religious or civil society whatever ; that it was the particular desire of John Evans, that his resignation should be accepted, and he did not know they could do otherwise than accept it.

“ JONATHAN WILLIS objected to its being accepted ; because it was improper such a thing should appear upon the books, without some explanations.

“ DOCTOR GRIFFITTS said, the committee were appointed to peruse those papers, and report to the meeting whether it was proper they should be read ; that they had complied with the object of their appointment, and had stated there was nothing improper in that one paper of the resignation. That the question was, whether it should be read ; and if friends would keep to that one point, he thought they would get through easier.

“ AFTER some sentiments dropped by different persons, the resignation was read, and another silence ensued, which was interrupted by observations from some member, as to the propriety of its being recorded without some explanations stating the reason for the resignation. There appeared to be a considerable number who coincided with that sentiment.

“ DOCTOR GRIFFITTS then said, he had spent the last evening with John Evans and his wife ; that it was their united wish their resignation should be accepted, and that from John Evans’s great indisposition, he could not see any more committees on that business ; that he had a very friendly conversation with him, in which he expressed a sorrow that he had shown warmth in the business ; that it proceeded, he believed, from no want of respect to the society, but from the great agitation of his mind on this truly trying subject. He stated that the resignation was not occasioned from any difference in principles

which he held; but the cause was simply this, the minute made in the preparative meeting, stated a difference between John Evans and another member, and that he would not see that member; that John Evans had repeatedly told him and the committee, he was willing to see that member, provided he would comply with certain requisitions, with which he had not complied; that this resignation was written in consequence of the overseers not seeing proper to take up that subject, and his state of health would not permit the exercise that would necessarily be occasioned by his continuing a member; that in justice to John Evans, he thought it right to state this much to friends, to show them it was not from any difference in their principles, but simply on account of John Evans's ill state of health; and that it was really a very trying case to John Evans, as well as to the meeting.

“AFTER this the meeting appeared very solid and thoughtful, and from the sentiments that prevailed, it was supposed the resignation was accepted. But Jonathan Willis was directly opposed to its being recorded; as he observed, it would look rather extraordinary on the books to record the resignation, and the committee who had it under care, &c. and were appointed to receive the same, with their report, without likewise noticing the case in the preparative meeting. He was followed by Ellis Yarnall, Benjamin Kite, John James, Robert Smith, and some others.

“THE above sentiments were after the clerk had made and read the minute of its being accepted, as it regards John Evans; but as it regarded his wife, the resignation was directed to lay before the women's next monthly meeting.

“DR. GRIFFITTS rose and said; I will ask friends one question. Is it intended by deferring the resignation for further consideration, to wait till the case

is decided in the preparative meeting, and brought to the monthly meeting? If so, he said he could not unite in it, as he had an undoubted right to relinquish the society, and he had always intended that when the complaint against him was first made; and, he said, it was withheld at the request of some of his friends, who hoped the business might be accommodated; but that in this they had failed; and for his part he wished the resignation might be recorded, as nothing further could be done in the business: And as for any precedent it might have, he feared, nothing on that account.

“JOHN JAMES said, he wished a committee might be appointed, to consider the propriety of accepting the resignation.

“HE was supported by some of the overseers (Benjamin Kite, particularly) and some other friends. Caleb Pearce said something, but it was in such a feminine voice as not to be heard nor understood.

“DR. GRIFFITTS said, he was sorry to hear so much said about it: the question was, whether it should be accepted or not. As for appointing committees, he said, there was no necessity for that, as John Evans would not see any on the occasion; and he should be sorry that the feelings of any friends should be hurt by a refusal, and he knew it would be very disagreeable to John Evans.

“BENJAMIN KITE suggested the idea of its being deferred for further consideration to next meeting, as it was a joint resignation, and the women should have the business before them, on account of Barbara Evans; that so far as regarded John Evans, might be considered as accepted. He was supported by John James, David Bacon, Abraham Ledden, John Thomas, Thomas Parker, Thomas Harrison, Thomas Wister, Thomas Kite, Joseph Parish, Elijah Waring, and several others.

“SAMUEL BETTLE said, the resignation was written and received, previous to John Evans’s case coming before the preparative meeting; that it could not be considered as having been done, since the business was under the consideration of that meeting; and he thought there were no obstacles to its being recorded, which he hoped might be done, as it was, he understood, the wish of John Evans and his wife, and he could not see any end would be answered in deferring it.

“JOHN BIDDLE stated he had received, since the morning meeting, a note from John Evans, desiring that his case might be issued at this time, as his great indisposition would not admit of seeing any more persons on the occasion.

“THE business was, however, deferred, agreeably to the motion of Benjamin Kite.

“THE above is a true statement of facts, and nearly in the order in which they occurred, to the best of my knowledge and recollection, as I was present the whole time that business was discussed.

JOHN E. REDMAN.

Philad. Jan. 31, 1807.”

ON a review of the transactions in this meeting, per the above testimony, we observe the report of the committee on the papers under their care.

THE paper containing John Evans’s agreement to see John Field, on condition of his delivering the papers; also a representation of the conduct of the overseers in their treatment to him; this paper, which was essentially necessary, and which, had it been brought forward, would doubtless have given to the meeting a very different view of the subject. I say, by its being suppressed, as well as every other communication (the mere resignation alone excepted) the meeting were kept in ignorance of the

circumstances attending the business. They knew not who was the accuser, or what was the accusation; and, consequently, were no more than passive instruments in the hands of the overseers and committee, to carry on their secret designs.

THE committee, in this respect, must be considered influenced by the overseers, whose errors they would not expose; but they rather permitted an individual to suffer, than to correct those, who were the authors of his sufferings.

ON the evening of the 29th of January, 1807, John Field called a meeting of some of his creditors at John Thompson's, though not by publick advertisement. John Evans being unwell and unable to attend, sent a representative with a letter addressed to the creditors, enclosing sundry papers therein enumerated. There were but nine persons present at this meeting. The letter sent by John Evans, together with the enclosures, were read at this meeting: John Field had a number of papers with him, some of which he read. The meeting adjourned without coming to any conclusion on the business.*

* In the month of April 1807, certain creditors of John Field, styling themselves a committee of the creditors, petitioned to the court of common pleas, for the county of Philadelphia, for the removal of the present assignees, and the appointment of commissioners to succeed them.

A consultation being had on the business, and counsel learned in the law being consulted, it was agreed by the parties, that new assignees should be appointed, and the deeds of trust should be assigned over by the trustees.

In pursuance of this plan John Field drew up the assignment, nominating such persons as he chose, though their names were not inserted, and setting forth, that the then trustees had disposed of property belonging to the estates.

The nomination not being agreeable to the committee of creditors, and the assertion being untrue, as it respected the sale of the property by the assignees, they never having made sale of any part of the lands assigned to them, since they entered on the execution of the trusts; the assignment pro-

*(Copy.)**The papers sent by John Evans are as follow :*

“ JOHN EVANS as one of the assignees of John Field and John Field & Son, informs their

duced by Field was not acceded to. And refer to the following letter from Moses Levy and James Milnor, Esquires, to the committee on the subject.

Philad. February 19, 1808.

GENTLEMEN,

On behalf of Mr. John Evans, one of the assignees to the estates of J. Field and J. Field & Son, we beg leave explicitly to inform you, that he considers himself totally discharged from the duty of acting as assignee to either of those estates. And he further informs us, that it is the united sentiment of all the late assignees, that they are discharged from that trust by virtue of your appointment, and indeed by your own agreement.

We request that you will appoint persons to succeed them, and that you will attend to the mode of drawing the assignment, as the one offered by John Field, without the nomination of persons to act in their stead, was exceptionable and untrue, in declaring the assignees had disposed of property belonging to the estates, which was not the case; and they neither directly nor indirectly received one farthing, from either of the estates.

It is hoped, that as a committee appointed by the creditors to take care of their interests, you will see that efficient measures are taken to dispose of the property to the best advantage, and not suffer it to lay in the hands, and entirely at the discretion, of the debtors themselves.

We are

Your very humble servants,
MOSES LEVY,
JAMES MILNOR.

*To Messrs. Henry Drinker, Benjamin
R. Morgan, Robert E. Griffith, }
William Meredith.*

I certify, that four exact copies of the within letter were delivered by me this day, the 20th of February, 1808, to the persons within named, three of whom I saw, viz. William Meredith, Benjamin R. Morgan, and Henry Drinker.

JOHN E. REDMAN.

creditors, that he is, and has been for some time, desirous of calling them generally together, as is

John Field having thus defeated the intentions of the assignees and creditors, nothing further was done until the month of April, 1808, when the assignees advertised in the publick papers of the city, calling a meeting of the creditors of John Field and John Field & Son, claiming under the deeds of trust, to meet at the Merchants' Coffeehouse, on the 27th of same month.

Accordingly, on the evening of that day a number of the creditors met at the place abovementioned; and there, after hearing a full statement from the assignees, it was unanimously agreed, to appoint Robert E. Griffith and William Meredith to succeed the trustees. And the creditors there present signed resolutions expressive of the same, which were also signed by a large number of creditors afterwards.

A few days after, John Field objected to the appointment of those gentlemen as assignees. Application was then made to several attorneys for counsel, all of whom, except William Rawle, Esq. confirmed the propriety of the appointment. The opinion of William Rawle suggesting doubts as to the propriety of the appointment, without the consent of John Field, and in order to obviate further difficulty, and bring the business into operation, it was agreed afterwards by the same creditors and many others, that the said Robert E. Griffith and William Meredith should be appointed agents under the present trustees.

Thus, though nine-tenths of the creditors, in value, had agreed upon the measure, the opposition of John Field completely defeated their intentions, and, as usual, frustrated all attempts towards the execution of the trusts.

In consequence of their appointment to the agency, the assignees of John Field and John Field & Son, by letter, dated 26th July, 1808, directed John Field to deliver to Robert E. Griffith and William Meredith all papers and documents relating to the deeds of trust, per following letter:

(Copy.)

John Field
and
John Field & Son,

Philadelphia, July 26, 1808.

The subscribers, trustees to the estates of John Field and John Field & Son, being again desirous of bringing the business of those two estates to a close; and having by advertise-

usual, by publick notice in the newspapers; but has been prevented by a gouty complaint of spasms at

ment in the newspapers had a general meeting of the creditors, claiming under the trust, at the Merchants' Coffeehouse, where the situation and circumstances relating to the same were fully discussed; it was by them agreed to appoint R. E. Griffith, merchant, and William Meredith, Esq., attorney at law, to transact the business of the said estates. And by the signatures of a number of creditors, subsequent to said meeting, the trustees are convinced of the propriety of appointing those two gentlemen to conduct the business.

Those facts, joined to the peculiar claims of R. E. Griffith, who represents a great number of creditors to a very large amount, is a still further proof of the propriety of his appointment.

The trustees having thus acted agreeably to the wishes of the creditors, in appointing the abovementioned gentlemen to be their agents in the business; and as it is their desire amicably to bring this business to a close as speedily as possible, they request that you will on receipt of this, deliver to R. E. Griffith, merchant, and William Meredith, Esq. attorney at law, all papers and documents which now are, or may hereafter come into your hands, relating to the deeds of trust.

We are respectfully

(Signed)

JOHN EVANS,
ROBERT SMITH,
THOMAS CLIFFORD.

JOHN FIELD, *Philada.*

The assignees have frequently met the agents and conferred with them upon the business of the trust; and they inform, the various difficulties they have had to encounter for the want of documents; John Field having delayed the delivery of some, *and to this moment detains other essential documents from them.*

In the month of March, 1804, John Field took a commission of bankruptcy (the property assigned to John Evans and others being only a part of his landed estate, the remainder of the real and personal estate coming under the bankruptcy) under which commission, John Baker, Esq. was appointed assignee; and it appears upon the records of the proceedings under the bankrupt act, that John Baker never accepted of the appointment, nor executed a counterpart of the assignment; of course he cannot act. Yet John Field, under a power of attorney from John Baker, as appears by publick advertise-

his stomach, which has confined him pretty much to the house, and has occasioned a debility in the sys-

ment six years ago, has the management of the estate under the bankruptcy, and has never called a meeting of his creditors, nor accounted to them for one farthing of the proceeds!

This will suffice to show what would have been the more than probable result, had the assignees under the trust given the property into his care. See the following certificate, certified by the secretary of the commissioners of bankruptcy.

There are two separate commissions. The one against John Field, of whom John Baker, Esq. was appointed assignee. Mr. Baker, however, never accepted the appointment, nor executed a counterpart of the assignment; of course he cannot act. The date of his appointment, is March 1st, 1804.

The other commission is against John Field, junr. Charles Holland was chosen assignee, 2d July, 1802, but has not accepted the trust nor executed a counterpart of the assignment; of course no act of either of them can be legal or valid. If any estate remains, new assignees must be chosen to take care of it, unless the above named gentlemen choose to come forward for that purpose.

Certified from the records.

GEORGE CAMPBELL, junr.

Secry. of Commissioners.

Oct. 22d, 1810.

From the peculiar circumstances of the case, and for the information of those unacquainted with the movements of the Quaker society, it may be proper in this place to mention the causes of John Field's influence with the overseers, and some of the society in Philadelphia. *He was many years an active overseer of the monthly meeting.—He was for a considerable time clerk of the monthly meeting.—He was also many years a member of the meeting for sufferings.—He is at this time a member of the publick school corporation in Philadelphia, called the Quaker School.—HE CONTINUES TO THIS DAY IN RELIGIOUS FELLOWSHIP WITH THE SOCIETY.—He is related to many active members.—Many of the present overseers are indebted to his influence for promotion; and as they were accustomed to look to him for patronage, it is evident that from the support they gave his cause in the meeting, he still retains his influence. He held many appointments in the Quaker society, and was generally acquainted with the secret movements, in transacting the affairs of that society!!*

tem, and prevented him from exposure in the evening air as usual, and from acting in business generally.

“HE now hands sundry papers relating to the business, as per schedule annexed, and he has used every mode consistent with his best judgment, to bring the business into active operation, upon pure principles, viewing the joint interests of the creditors and debtors. But all his efforts have been unavailing, though he considers the business under the trust as plain as A, B, C, selling the property at private or publick sale according to the directions of the creditors.

“IT has been the opinion of the assignees, and agreed to, as leading principles, that a competent person should be appointed as agent, in whom they could confide, to examine the lands in order to make sale of them, but when they have entertained full expectations of speedy operations, they have been frustrated by John Field.

“IN order to facilitate the object, as a creditor and assignee under the trust, I wave the common custom, and have no objection to the creditors nominating a suitable person as an agent, to examine the lands and act under the direction of the assignees, as they only are responsible to the trust. But it is my decided opinion, a proper representation of the creditors cannot be considered in any other way than an open and publick call on them in the newspapers.

Am with respect your friend.

Philada. January 29th, 1807.

“THESE will be handed by John E. Redman, who will read the papers, and who is to keep them in possession, and bring them again to me. Any allusion to papers may be seen, by calling on me.

- “ *Opinion of William Rawle, Esq. on the mode of acting in Fields’ business, dated January, 1803.*
- “ *Representation from John Evans, assignee of John Field and John Field & Son, to their creditors, dated Oct. 29th, 1806.*
- “ *Copy of observations by John Evans in the mode of conducting Field’s business, dated Sept. 11th, 1806.*
- “ *Copy of a letter from all the assignees, addressed to John Field, dated April, 1806, demanding his papers, with a letter annexed from John Evans, dated Nov. 14th, 1806.*
- “ *To the creditors of John Field and John Field & Son, at No. 38, south Front street, Philadelphia.* }

“ N. B. JOHN EVANS further observes the necessity of a *bona fide* deposit of *all* the papers relative to Field’s business, for the benefit of his creditors; as a part of them only are deposited, but which cannot be considered for that purpose; as he mentions in his letter to Thomas Clifford, a copy of which he sent me. ‘Lodging these papers, &c. in thy hands, is to moderate John Evans and remove his objections, and not to be considered as giving up my care of the trust estates; that must and will be continued, till matters are settled or closed.’ ”

(Copy.)

“ *A representation of circumstances, and statements of facts, as it relates to John Field and John Field & Son, under the deeds of trust with their assignees.*

“ THE deeds of trust from John Field and John Field & Son, dated in April, 1799, to John Evans, Philip Nicklin, Robert Smith, and Thomas Clifford, for the benefit of their creditors, were deposited in

the hands of John Evans. Some short time after, John Field called on him for said deeds, in order to have them recorded, when both were delivered to him for that purpose.

“ SOME months after, John Evans called on John Field for the deeds, but he returned only one of them, given from himself and wife; the other deed from himself and son. I have since, at the request of the assignees, repeatedly called on him for, but he always evaded giving it to me; and I have never seen or received it since, to this day. The one I now have is a certified copy, and is not their property.

“ SOME time after the expiration of the term specified in the deeds of trust, to be acted on, the assignees contemplated proceeding in the business; but the repeated assertions of John Field, both publicly and privately, of his having such a surplus of property, more than would pay all his and their debts, occasioned a difficulty and delay, and added to the situation of lands in the western country, much retarded the assignees in their procedure in the line of duty, by a sale of the property; but after waiting some time, John Field not realizing his assertions, of paying his and Field & Son's debts, the assignees took the subject under consideration. As to the mode of proceeding, there was a diversity of opinion; though from what real cause, I never could understand, (as the deeds of trust are as plain as A, B, C, it is, ‘to sell the property and pay the creditors.’ See deeds of trust) which occasioned an application to be made to William Rawle, Esq. the 17th January, 1803, for his opinion in writing. When that was produced, it did not meet the ideas of John Field, and he opposed the selling his property, by applying to an attorney at law; and his great address, prevented the assignees acting in the sale of the land. John Field then took up the idea of his creditors taking land in payment, and by his

uncommon effrontery and the aid of some of his friends, a part of his creditors who had been amused a long time by him, agreed to do so : thus by various means, has this business been prevented being acted on.

“ SOME time afterwards, about two years ago, three of his assignees constituted him agent in this business ; and agreed to pay him two thousand five hundred dollars per annum, for three years, besides contingent expenses. Of the existence of such a sum I had no knowledge, nor of its being contemplated, until the same was offered for my signature. Afterwards I informed them I did think that we had not powers for that purpose; that his character and conduct would not justify such a measure; that he openly avowed his intentions of selling those lands at publick sale, and buying them in for his own advantage. I also mentioned a number of special facts, respecting his conduct, that made it improper for his appointment, as well as the injustice to bring those lands for sale, without first having some knowledge of them, that equal justice to all his creditors might be done by a fair sale of the property. On the whole, I informed them, I could not, as an honest man, conscientiously come into their measures. About this time the three assignees, in company with their attorney, James Gibson, Esq. called at my house, when a free and full conversation was had on the subject, and they unitedly agreed and asserted, that they had no better opinion of John Field than I had; and they have individually, at other times, agreed with me his conduct was reprehensible; but we differed as to the powers of assignees. They continued John Field agent, and offered the lands at publick sale, without any special information; or rather the information had a tendency to depress them in price, and they were put up for sale in so large a quantity of land, as, say

42,000 acres in a body, at one time. Indeed, the manner the lands were exposed for sale, and the circumstances attending given by John Field, appeared rather a burlesque than a serious sale; and it clearly evidenced John Field's intention of purchasing them.

"It is but justice due Philip Nicklin to observe, he informed me before the sale, he would not let the lands be sacrificed, and that John Field should not avail himself of the mode adopted; and it is also proper further to add, though he has come into some of the plans of John Field, aided by Robert Smith and Thomas Clifford, he has not come into them all; and I have always considered his acquiescence rather as an accommodation of the other two assignees, and the very pressing applications of John Field, more than from his wish, inclination, or judgment.

"ABOUT March last, as I am informed, they dismissed John Field from their service. During the time he continued under their appointment, I had frequently pressed the necessity of acting in the business; and about six months since, through the agency of my attorney at law, Moses Levy, Esq. a plan was laid and agreed to by them; and my attorney and myself considered that an agent would be appointed agreeably to the plan, to examine the lands, report their apparent value, situation, and relative circumstances generally attending, and it was in part acted on. See advertisement to the creditors to bring in their claims; and a joint letter from all the assignees, addressed to John Field, to deliver the title papers and all documents relating to the trust to me, which so displeased John Field, that he endeavoured to have all his assignees legally removed. See his note dated 4th mo. 8th, 1806, to Thomas Wotherspoon, wherein it will appear.

"BUT to my great astonishment and sorrow, as it regards justice to the creditors, in a short time after the three assignees, through the agency of John

Field, created some difficulty that retarded the business, John Field would not deliver the papers as directed, but sent them (or a trunk) as Thomas Clifford asserts, in which it is said the papers are contained; but he does not know it, as he had not leisure to examine them. Thus again have my endeavours to effect an agency to be appointed to examine the lands, and conduct the business under the assignees, as it regards the general information, been frustrated; and I had again, though reluctantly, to call on my attorney, when overtures were made for a cooperation in the sale of the lands, and the attorneys had conferences on the subject; at one of which I was, by their request, present, and offered my opinion in writing, dated Sept. 11th, 1806, to which I refer, which was agreed to by them; and next day at my house I handed it to the three assignees, and they also admitted it as first principles to be acted on; and while the subject was under consideration of our attorneys, and first principles agreed on by us all, there was handed me by John Waddington a paper (neither the original, nor copy would he give me, though requested) which he said John field desired him to bring for my signature, appointing three fellow citizens no way interested in the business, to appoint an agent to conduct the same. At present, though the mode has been agreed to, from all I can understand, nothing is like to be done; and John Field asserts to his three assignees, as per his letter of 9th mo. 12th, last, *he will be agent*; to which letter, agreeably to their request, I made my objections addressed to them, dated 17th Sept. and refer to the same.

“ Thus my fellow citizens I have endeavoured to discharge my duty for your interest; in the execution of which, I have had to contend with a man of peculiar art, cunning, and effrontery; and not only with him, but with his particular friends and relations in the religious society of the people called

Quakers, some of whom hold high appointments therein, and are very influential in the society.

“ I HAVE many and serious objections to appointing John Field as agent in the sale of the lands held in trust by his assignees, which I have not mentioned; some of them are opinions founded on clear evidence in my judgment, though not to be established yet by facts, but by circumstances it appears to me certain; having these many years laboured conscientiously to discharge my duty to the trust, as it regards the creditors, and at the same time having had due respect to John Field, and willing to serve him consistently with my duty to the appointment. It only remains to add, my ardent desire that the creditors of John Field and John Field & Son, will take my situation, which is very unpleasant, and either release me from the appointment, or give me such aid as may enable me to proceed agreeably to common practice and equal justice to the creditors, and not subject me in the execution of their business, to the shameful and cruel treatment I have received; which has been one great cause, from the severe conflicts in my mind, occasioned by John Field in the first instance, as has nearly cost me my life, by severe spasms of a gouty complaint in my stomach. I hope my fellow citizens will give me credit, when I inform them, in all my movements in this business, I have kept in view equal justice to all, and an approving conscience.

Am respectfully,
JOHN EVANS.

Philadelphia, Oct. 29th, 1806.

*To the creditors of John Field }
and John Field & Son. }*

(Copy.)

January 20th, 1807.

“ AT the time the above was written, I intended to call Fields' creditors together by advertisement

in the newspapers, and give them a full opportunity, by a statement of facts, of judging of my conduct, and if disapproved of by them, to request a release from the same. But since that time, I have shown my proceedings to a large number of respectable men, creditors of Fields' estates, who have unitedly approved of my conduct in the business. See statement at a meeting of creditors, dated Decr. 23d, 1806. From John Field's late conduct, I am more fully convinced of the necessity for my acting in the appointment under the trust, for the general benefit of the creditors; and I am sorry to add, my two colleagues in the appointment, have not cooperated as assurances latterly given me.

JOHN EVANS,
one of the assignees.

“THE foregoing representation was submitted to the creditors, convened at John Thompson's, and was read by the subscriber,

J. E. REDMAN.”

“JOHN EVANS suggests the following, as his ideas of conducting the business of John Field & Son:

“*September 11th, 1806.*

“DEMAND the title papers, and all claims under which John Field and John Field & Son hold lands conveyed in trust to his assignees J. Evans, P. Nicklin, R. Smith, and T. Clifford, to be delivered them.

“APPOINT an agent to examine the lands, and report the situation and circumstances generally relating to them, with such other observations as may come to his knowledge in the investigation of the business; and also what may be the supposed value of them; the best mode of sale; and when they probably may sell to most advantage, for the benefit

of their creditors; reserving to the assignees all powers of conveying the premises, and the general direction of the business.

“WHEN a valuation of the property is made, if it is eligible, and can be effected with safety to the assignees, and if there is any person desirous of receiving lands in payment of their claims, let equitable dividends or allotments be made them of such property, agreeably to the valuation of the agents’ report, if the report be consonant with the judgment of the assignees, in doing equal justice to the creditors.

M. Levy, Esq.

“N. B. THE above mode, I consider, is consonant to common practise, excepting a division of lands, but which in one case of Abel James’s estate was adopted, and I trust will not subject the assignees to difficulty from the creditors; though I am of the opinion it would be safest and best to make a general sale of the property, as it is consonant to the deeds of trust, and a dividend of the cash agreeably to each creditor’s just claim; and from what has lately been mentioned to me by a creditor, I believe it requires caution and prudence in conducting this business under the trust.”

THUS we observe, that while John Field’s complaint was in full operation against John Evans, in the preparative and monthly meeting, at this very time he was calling partial meetings of his creditors, and assuming the direction of his affairs; producing papers, and resuming them again at pleasure; and generally acting as though absolved by the overseers from the controul of his assignees and creditors.

WE observe, also, that at this meeting John Evans by a representative, being himself unwell, gave due attendance, which of itself is a refutation of the charge made against him by the overseers,

though John Field had no authority to call his creditors or assignees together; neither were they under any obligation to comply, since Field's object was not to inform on, or elucidate, his affairs, but to embarrass and perplex them; and in this he had been but too often successful.

“BUT I ask the candid reader, whether assignees are to submit to be the dupes of a designing debtor, and are under any obligation to conform to his views, however adverse to, or destructive of, the rights and interests of the creditors? but particularly, after losing all confidence in the integrity of the debtor, whether they are warranted in admitting his influence to direct them in the execution of an important trust, for the benefit of his creditors?”

“Let us consider too, that at this very time John Field was responsible to the assignees, by an express order, for the delivery of all the papers in his possession, relating to the trust, which, independent of every other obligation, civil or religious, he was bound to comply with. With what assurance, therefore, could he longer retain them from his creditors, when every pretence was done away by an express order; nay, when that order was enforced, and at divers times repeated, as we shall observe by the following testimony?”

Supreme Court of Pennsylvania.

John Evans v. Ellis Yarnall et al.

“JOHN HARRIS, a witness produced on the part of the plaintiff in the above cause, being duly sworn, doth depose and say, that in the fall of the year 1806, the trustees to the estates of John Field and John Field & Son, requested him to act as an agent for them in those trust estates, and desired him to call on John Field to obtain from him all papers in

his possession, relating to that business, and particularly to the lands assigned by them to the trustees, in order that when said papers were obtained, the deponent might act as their agent; and, agreeably to their instructions, ascertain by actual examination the value, situation, and circumstances, attending of said lands, that the trustees might effect a sale of them.

“ THAT agreeably to their request aforesaid, the deponent twice called on John Field, and informed him, that by request of the trustees he came in order to obtain the papers relating to the trust estates, that he might consider of the propriety of his proceeding to act as their agent; but John Field refused to deliver them. And in order to accommodate the business, the deponent agreed that if he would give the papers into his hands, he would hold them subject to the joint direction of the trustees, in conjunction with John Field, and that if nothing could be done unitedly, he would deliver them back to him; but John Field would not accede to this proposition.

“ THE deponent informed John Field, that John Evans desired him also to mention, that if he would deliver the papers relating to the trusts, he was willing to see and converse with him at any time and place, on friendly terms; and that John Evans had no animosity against him the said John Field.

“ JOHN FIELD replied to all these remarks, that he would not consent to let the papers go out of his hands, without the trustees would pay his account; but which account he did not produce to this deponent, as he recollects, though he showed him a considerable number of papers relating to the lands.

“ ALTHOUGH the trustees had drawn a rough copy of the power of attorney, constituting the deponent their agent, in the trust business, yet several months having elapsed, and finding his endeavours to obtain the papers from John Field to be fruitless,

and that it was totally impracticable for him to procure them, he informed the trustees, with some of whom he had frequent conferences on the occasion, that John Field would not deliver the documents; and that of course he could not determine how to act in the business.

“THE deponent further saith, that it appeared to him to be the wish and desire of the trustees, that every necessary information relating to the lands should be obtained and clearly expressed, that a candid open sale of them might be effected to the best advantage, and for the proper execution of the duties incumbent on them as trustees. And it also appeared to this deponent, that the said trustees, and particularly John Evans, were and was fully and sincerely disposed to allow John Field all the advantages which he could possibly derive from a purchase of the lands intrusted to them, so far as was consistent with their trust.

“THE deponent being further examined says, that Mr. Robert Smith and Mr. Thomas Clifford were dissatisfied with Mr. John Field’s being agent for his estate and that of John Field & Son, as well as John Evans, on account of his general character.

JOHN HARRIS.”

“*Sworn and subscribed before me the 26th May, 1808,*

ROBERT WHARTON,
Mayor of the city of Philada.”

“AGREED to be taken and read in evidence on the usual terms, saving all legal exceptions,

JOHN HALLOWELL,
for Defendants.”

BY the above description of John Harriss, we find, that John Field not only refused to deliver the

papers demanded by the trustees on the 18th of April 1806, but insisted on the payment of an account for sundry alledged expenditures, which he saw fit to charge to his assignees, as an offset to the compliance with their order!

I HAVE been under the necessity, in order to exhibit a full statement of the trust business, and the conduct of Field therein, to leave the subject of the meeting, with the view of showing certain transactions occurring during the discussions which were going on, in relation to the accusation against John Evans. And though this digression is fully warranted by the circumstances, I hasten to resume the subject, that the reader may not be longer embarrassed by the prolixity of the trust business.

INSTEAD of the business ending in the monthly meeting of the 30th January, 1807, we find it deferred to the next meeting, in order, as they say, to give the women's meeting an equal opportunity of considering on the resignation of Barbara Evans.

BUT was this necessary? Could not the meeting at that time conclusively decide, whether it should be received, or not? Had Barbara Evans been previously brought before the preparative or monthly meeting, and dealt with as an offender, there might have been some palliation for the course adopted. But she was the wife of a man, whose inflexible integrity was obnoxious to the overseers; and, therefore, must in her turn, suffer in some degree, the visits of committees, and all the tedious routine of their imposing pretensions! But this subject I will now dismiss, to resume in a more convenient page.

AT the next monthly meeting, we find, by the following testimony, that the case of John Evans was brought to a final conclusion by a minute of disownment.

“ In the monthly meeting of the religious society of the people called Quakers in Philada. held on sixth day, the 27th day of Feb. 1807.

“ THE clerk opened the business of John Evans’s case, by reading the resignation from himself and wife.

“ THEN David Bacon rose and said, he hoped, that on the record where the resignation was to be placed, the minute of the preparative meeting might also be attached.

“ THOMAS WISTAR then rose and said, he thought it was very improper, as they were not connected together.

“ ARTHUR HOWELL then rose and observed, that by introducing that minute (meaning the minute of the preparative meeting), it would be going over all the ground again.

“ JOHN JAMES and one or two other persons hoped the minute might be added.

“ THE clerk then added the minute of the preparative meeting, and read the same.

“ THOMAS WISTAR opposed it; he said it was contrary to discipline; and made some other observations against the attachment of that minute, but which I cannot recollect.

“ THOMAS PARKER, Samuel P. Griffitts, and several other friends, rose and supported Thomas Wistar in his sentiments.

“ AFTER which, the minute attached was partly erased; David Bacon persisted in the minute being attached. John James and several others supported him.

“ THE purport of the minute, after the above discussion, was nearly thus :

“ ‘ THE resignation of John Evans, was occasioned by a difference subsisting between him and

another friend; considerable labour has been bestowed on John, without the desired effect—but hope that he may again become a member amongst them.’

“AFTER a few observations, the resignation, with the minute above recited, was agreed to be recorded. And, about the close of the business, Jesse Kersey rose and said, he hoped there was no person present that would inform John Evans of the discussion of this business.

“THE above is a true statement of facts, and, nearly in the order in which they occurred, to the best of my knowledge and recollection.

NATHL. HOLLAND.*

Philada. Feb. 27th, 1807.”

THE minute thus made, on the case of John Evans, was a direct and full testimony of excommunication, and to which was attached as forming a component part, his resignation of membership.

THIS proceeding is not only absurd and unwarrantable, as relates to John Evans, but is, moreover, at variance with the truth.

Let me here ask, In what respect was this difference between John Evans and *the other member*? Where was their *labour* bestowed in such quantities as to amount to “considerable?” On what subject were they thinking when they expressed their

* N. Holland was produced on the part of the plaintiff, in an early stage of the trial, and was examined relative to the certificate, in the case of Caleb Carmalt. But from the numerous objections of the defendant’s counsel, to almost all the testimony of the plaintiff; the frequent arguments on the admissibility of the evidence; the numerous and long quotations from Barclay, Penn, Clarkson, and other Quaker books, and the extraordinary motion made for discharging the male defendants, having protracted the trial to an unusual length of time, the witness, with several others, was not again brought forward, though expected to have been further examined.

hope, that he might again become a member amongst them? Or, if they desired what they expressed, did they regret, that he had so soon got from under the exercise of their power?

THE inconsistency of their arguments in this meeting; the evident embarrassment with which they *laboured amongst themselves*; and the chagrin discoverable in their discussions, will answer all the above queries. With good reason might Jesse Kersey (*a preacher*, on a religious visit to the city at that time) hope, that no one present would inform John Evans of the discussion of the business! He no doubt perceived the absurdity of their conduct, and with a view to prevent an exposure, *acted their friend on this occasion!* But it is more than probable, his intention, by this request, was to restrain the members from making a disclosure to John Evans, that the common order of secrecy, which pervades characteristically throughout the society, might still be preserved!

A FEW days after the termination of this business, Samuel P. Griffitts called on John Evans and informed him of the conclusions of the meeting upon his case; but did not bring with him a copy of the minute, which John Evans informed him he claimed as his right. At the next monthly meeting, Samuel P. Griffitts laid before the meeting the request of John Evans, respecting the minute, which was granted; and in a few days after, he delivered it to John Evans; and is as follows:

“ At a monthly meeting of friends of Philadelphia, held 27th of 2d mo. 1807.

“ UPON further consideration of the paper, laid before the meeting, from John and Barbara Evans, and that much patient labour hath been extended towards him, (on account of a difference between him and another member) without the desired effect;

and he having, as stated on the minutes of last month, relinquished his right of membership with us, it is agreed, that we no longer consider him a member of our religious society.

“OF which conclusion David Bacon and Samuel P. Griffiths, are desired to inform him.”

THE minute above recited differs in some respects from the one given in the testimony of Nathaniel Holland; but the plain sense of them both is much the same, and amounts to *disownment*.

THE testimony of disownment was thus grounded on the resignation! A mode of proceeding, converting a voluntary act into a coercive one, and was an unjustifiable attempt to prevent any appeal to a superior meeting, had it been intended.

IF John Evans was disowned, the testimony of the disownment should not have been incorporated without the resignation! And if it was the mere acceptance of his resignation, he should not have been testified against, with reference to the accusation of John Field!

BUT it is a mongrel minute, partaking of two natures, and involving two distinct points, totally irreconcilable to, and independent of each other! However, such as it is, it was too late to make any alteration; and having passed the meeting, it was considered by the members as a minute of a final settlement. Although unjust and absurd, as it most certainly is, it is preferable to the proceedings of the meeting where it was issued.

I HAVE now gone through the business of the preparative and monthly meetings, in the case of John Evans, and have endeavoured to give the true sense and meaning of the various discussions which took place in those meetings. The documents relative to the same being referred to, may be compared with the expositions laid down by the writer.

With the aid of those documents, and other papers essentially connected with the transaction, he has been enabled to take a comprehensive view of the subject.

IF, therefore, he has exhibited facts, which were unknown to the members of the Quaker society generally, or discussed the subject in a different light from any of them, it must be imputed to their own ignorance of the business, and superior advantages he has derived from the evidence exhibited.

HE does not, however, pretend to any greater knowledge on those subjects, than was placed within the power of the overseers and committees, who enjoyed, equally with himself, the same advantages from the documents put into their possession by John Evans.

I WILL here particularize what they did know, in order to show in what they were deficient. I shall commence with the overseers, as officers of the society, bound to the performance of their duty.

THEY knew the facts relating to the trust business, as it respects the unjustifiable conduct of John Field, to obtain, contrary to the inclinations and judgment of the trustees and creditors, the agency of the trust business. They knew the various measures he adopted to obtain it; and that his complaint against John Evans was one of those measures.

THEY knew the conduct of John Field, in the sale of property to John Evans, which was in dispute in a court of chancery at the time of sale, and long before, and of which property John Field never had possession! They knew also, that John Field took no steps to defend the claim, and that he refused to furnish John Evans with the necessary documents for the purpose; and that this claim suffered nearly five years by the detention of those documents.

THEY knew that John Field retained in his possession the original deed of trust of John Field &

Son, which he refused to deliver up to his assignees. That he also retained in his possession all the documents relating to the deeds of trust of John Field and John Field & Son, for lands assigned to John Evans, Philip Nicklin, Robert Smith, and Thomas Clifford, in trust, for the benefit of his and their creditors. They knew that those papers, being a necessary part of the property assigned, were absolutely conveyed by the deeds of trust, and of right belonged to the trustees, as the legal representatives of the creditors. They knew that those papers were demanded by all the trustees of John Field, and that he refused to deliver them. Finally, They knew of no difference subsisting between John Evans and John Field, except in character and conduct, because no specifick charge, though demanded, was ever brought forward.

ALL the above are facts clearly known to the overseers, and *never denied to exist!* Yet did they on the complaint of John Field, supported by no charge whatever, and without visiting the accused in their official capacity, contrary to their general practise and discipline, bring John Evans forward as a defaulter, as a transgressor of their discipline, and as though he had been guilty of criminal conduct!! For surely, the comprehensive term of a "DIFFERENCE," might be so construed as to imply a degree of criminality! And by the term of "ANOTHER MEMBER," which might apply to the most respectable person of that society, was comprehended the character of *John Field*, whose barefaced and notorious conduct *would not bear the exposure of his name!!*

LET reasonable persons ponder on these things; let the unprejudiced judge of them!

I SHALL now state what was known to the committees, appointed by both the preparative and monthly meetings; and shall begin with the former,

as the business relative to their appointment is first treated of in this narration.

THEY knew, by documents put into their possession, every point known to the overseers, particularized in the preceding pages: in addition to which, they knew the conduct of the overseers, in refusing to give a hearing to John Evans in company with S. P. Griffiths, D. Bacon, J. Harrison, T. Parker, and others, per certificate of J. E. Redman and Nathl. Holland.

THEY knew from John Evans, per his letter to Abraham Ledden and John Folwell; of the 24th of 9th mo. 1806, and by subsequent letters addressed to them, that the discipline of the society was denied to the accused by the overseers, though they were requested to give it. They knew that no specifick charge was ever brought forward by the overseers against John Evans; that the complaint against him was brought before the meeting, without any regular procedure by a visit from the overseers, according to the discipline. Finally, They knew nothing of the business on which they were appointed by the meeting; and as no charge was made against John Evans, or any instructions given to them on the subject, *THEY OUGHT TO HAVE KNOWN, that interfering in such a secret and ambiguous accusation, would be acting as the agents of an Inquisition!*

HAD they, however, begun in the right way, and suffered impartial justice and fair investigation to supersede the prejudice they imbibed from ex parte evidence, or the influence of the overseers and John Field's friends, they might have been of essential service, in the promotion of truth which has evidently suffered. If they were necessitated to comply with their appointment, as men of candour and sincerity, they should have taken the most honourable and just method in the compliance. If, as impartial men, they questioned the conduct of the accused, ought

they not, on the information they received from him, joined to their own knowledge of his character, to question the veracity of the accuser? This would have led them to the source of the complaint. It would have clearly pointed out their duty. And had they obtained those papers from John Field which he dishonestly kept from his creditors, all the grievance would have been removed; every objection would have vanished. Had they done this, or informed the meeting of the facts in their possession, they would now enjoy the consolation of "Peacemakers." But what must, what ought to be their feelings on a retrospect of their conduct? They have violated the civil rights of a citizen! they have unjustly deprived him of the immunities of religious membership! and by their conduct have enabled John Field to oppose the just requisition of his trustees, and triumph over his creditors!!

OF the monthly meeting committee I shall not say much, their appointment being for a different purpose; but when they knew of the reasons communicated by John Evans, which conduced to his resignation, in justice to him they should have made them known to the meeting. They, as well as the preparative meeting committee, were well acquainted with every circumstance attending the business of John Field and John Evans; and, though acting by appointment of the monthly meeting, they should have known no particular province, but should have come forward as men of feeling and justice, to adjust the differences known to them, and regulate the errors of the overseers and preparative meeting committee, by representing a true statement as exhibited to them. But instead of this, they suppressed (to use the mildest term) a material paper accompanying the resignation, wherein was expressed the treatment of the overseers to the accused, and his ill state of health, as the cause of his resignation; nor did they

ever produce to the meeting any other letters from the accused, wherein the business of the trust was fully stated for the information of the meeting. By the suppression of the letter of the 29th August, 1806, the resignation was rendered a dead letter, because it was founded on the statement accompanying, and which was equally essential, and formed a necessary appendage: *a separation therefore was contrary to justice, and a violation of the civil and religious rights of John Evans, as well as a great deception to the members of the meeting, whose right and privilege it was to judge upon the merits of the whole business.*

THE resignation of John and Barbara Evans, though sent to the monthly meeting before any complaint was entered on the minutes of the preparative meeting, against John Evans, and so acknowledged to have been received, was referred to the women's monthly meeting, as we observed, by the testimony of N. Holland, on the 27th February, 1807, in order, as they state, to give the women's meeting the same opportunity of considering the resignation of Barbara Evans.

THUS, therefore, the men's meeting having closed the business as it respects John Evans, by issuing a testimony of excommunication, though after a consideration of seven months! during which time, in both the preparative and monthly meetings, committees were appointed, and frequent reports made; in order to give the women's meeting the same opportunities, in relation to Barbara Evans; the resignation was, at length, sent by the men's to the women's meeting!

ON the 26th of February, 1807, being the day previous to the meeting, in which the case of John Evans was terminated, by the minute of disownment, Barbara Evans addressed the following letter to Hannah Elliott, clerk of the women's monthly meeting:

(Copy.)

“ Philadelphia, 2d mo. 26th, 1807.

“ RESPECTED FRIEND,

“ I EXPECT the resignation of my right of membership will be handed from the men’s, to the women’s monthly meeting to-morrow.

“ THE cause that has induced me to this, is, the unjust treatment my husband, John Evans, has received from the overseers of the men’s monthly meeting; and has occasioned me (and not religious dissent) as a faithful wife, to an affectionate husband, thus to protest against such unprecedented conduct, which, I consider, he has received from the society, by the means of the overseers of said meeting.

“ I WILL not see any committee from the meeting on the subject.

Am thy friend,

(Signed)

BARBARA EVANS.

“ HANNAH ELLIOTT, clerk of the women’s monthly meeting.

“ *To the women’s monthly meeting of the religious society of the people called Quakers in Philada.* } ”

“ THE original, of which the above is a true copy, was delivered by me to Hannah Elliott.

J. E. REDMAN.”

IT appears that the resignation of Barbara Evans, was read in the women’s meeting, and a minute of the same made; but, in conformity with the proceedings of the men’s meeting, and acting by their immediate authority, they detained the resignation in their meeting, though there were no obstacles to its being recorded, where it was suffered to lay sub-

ject to the animadversions of ignorance and caprice, and the wanton exposure of the party; which justifies the inference I have already hinted, in a preceding page, that she must experience, with her husband, a degree of persecution, for her connexion with him; although they had no charge against her!

AND, notwithstanding the positive terms mentioned in the letter to Hannah Elliott, showing on what ground her resignation was founded; notwithstanding she there asserted, *she would not see any committee from the meeting on the subject*; and her express wishes of an immediate decision on, and acceptance of, her resignation, they kept it pending before the meeting *three months!* and then appointed a committee, consisting of Hannah Clarke, Susannah Haydock, and Jane Pearce, *to visit her on the business!*

PREVIOUS to entering further on the subject of the women's meeting, and the visit of its committee, I shall avail myself of the present moment, to introduce a letter written by John Evans, addressed to James Pemberton and others, with the view of obtaining a rehearing of the business, as it respects himself and the overseers.

HAVING BEEN DISOWNED BY THE MONTHLY MEETING, FOR ACTING UPRIGHTLY AND HONESTLY AS AN ASSIGNEE TO JOHN FIELD AND JOHN FIELD & SON'S ESTATES! and being deeply affected at the result, and the unjustifiable conduct of the overseers and committees in contributing to it, he claimed the right of an examination into the merits of the controversy, before twelve respectable and influential characters, selected from the three monthly meetings in the city, that he might be enabled before another tribunal less prejudiced, to assert and maintain his innocence.

To this method he was induced, from the necessity of the case. The monthly meeting having

bottomed the testimony of disownment, *upon the voluntary act of resignation!* left no other alternative; because, by this imposing circumstance the usual mode of appeal was effectually closed against him.

THE following is the letter written on this occasion.

(Copy.)

“*Philada. 5th mo. 9th, 1807.*”

“RESPECTED FRIENDS,

“*James Pemberton, Samuel Powell Griffitts,* Thomas Parker, Thomas Wistar,† Henry Drinker, Samuel Smith, Thomas Morris, Thomas Stewartson, David Evans, John Morton, senr. Nicholas Wahn, Jonathan Evans.*”

“THE cause of my present application to you, is as leading members in the monthly meetings of the religious society of the people called Quakers in the city of Philadelphia, and to inform you, that I consider myself grievously oppressed and ill treated by the overseers of the monthly meeting of Philadelphia, aided by several members of a committee from that preparative meeting, and unjustly held up

* Samuel P. Griffitts being well acquainted with the conduct of Isaac Parrish and Richard Humphreys, two of the overseers; and of their having never visited John Evans in their official capacity, as by the certificate of Barbara Evans and John E. Redman; a copy of which he had in possession; and being one of the preparative meeting committee, to whom various communications were made by John Evans, verbally and in writing, in confirmation of the above facts, it was expected that he would have agreed to the proposed conference; but he refused to meet on the occasion.

† Thomas Wistar at different times, during the discussion of the business pending in the meetings, was decidedly opposed to the proceedings of the overseers and their party. At one meeting, he observed, “It was so mangled and inconsistent, it was not fit to go forward.” At another meeting he said, “They proceeded against John Evans contrary to discipline.” Yet he refused to meet on this occasion.

as a culprit, though in the discharge of my duty in Field's business, which is a defamation and a libel on my character; and has been one cause that has obstructed and prevented me from acting as an assignee to the estates of John Field and John Field & Son, as in justice and good faith I am called to, under the appointment. And the treatment I have received, has been so exercising to my mind, with a predisposition to gouty spasms on my lungs, that it has almost cost my life, and disqualified me from performing for a long time, the necessary avocations of a member of civil society, which my business claimed; and this cruel treatment to me was all under the specious pretext of religion, truth, and justice.

“ REFERRING to the documents as per list annexed, it is not my intention to recapitulate the circumstances, but briefly to observe, that through the influence of the overseers and some of the committee, the facts attending the business were kept from the preparative and monthly meetings; and my opponent, John Field, was in a conspicuous seat in the preparative meeting, when the business was before it, in order to prevent a free discussion; and some who dared to oppose his, and the overseers' plans of secrecy, in withholding from the meeting the state of facts, he had the effrontery to call on them at their houses, and reprimand for their sentiments. And at the same time, had I been in health, I am by the discipline excluded from informing the meeting the facts, or answering in my own behalf. Thus by a combination of the overseers and the committee, a plan of secrecy was unjustly pursued, though information was called for by some members of the meeting on the occasion, which was opposed by the overseers, and by which means an inquisition was established against me, I trust not known in America, excepting in the religious society of the people

called Quakers. And sorrowful to observe, indeed, could it be conceived that the overseers and some of the committee, where the principals, and almost the whole, in this unchristian and cruel treatment, and that influenced and prejudiced the meeting against me, and they were the informers, judges, and jury, in the case. Well might Jesse Kersey remark, observing the injustice and malignity of their spirits, when he said at the conclusion of this business, He hoped there was no one present that would inform John Evans of the proceedings on the subject. I give him no credit as a friend to me, or equal justice; but his wish was shamefully to secret plans against me, and operations of cruelty and injustice, which is beneath the dignity of a man, or a minister of Jesus Christ.

“ IN the origin of this business, you will observe the treatment I received from the overseers, as per certificate from John E. Redman and Nathaniel Holland. And the friends, Samuel P. Griffitts, David Bacon, Thomas Harrison, and Thomas Parker, who at my request conferred with them on the occasion, and considered the business finally put off; but it appears it was only for one month; in all which time the overseers never communicated with me, though requested by the before mentioned friends; and those friends I called on, knew nothing of the overseers' intentions until the afternoon of the day previous to the preparative meeting, at which time, it was concluded, and then it was to be brought there, contrary to their desires and expectations, and assurances given them by the overseers.

“ HAVING sent in mine and wife's resignations to the monthly meeting, and mentioned the cause that produced it, I should not have admitted the committee of the preparative meeting to see me; and informed them, I considered their calling on me was an intrusion; but to satisfy, especially,

Dr. Griffitts and Thomas Parker, and, in hopes an accommodation might take place, I admitted them, though contrary to my inclination and judgment; and some of the committee being, as I consider, vain and spiritually proud men, not competent to the business, of course they added to my difficulty, and in the event, have disgraced the cause of truth and justice.

“ COULD I have made a legal appeal from the judgment of the aristocracy that governed the meeting in my case, as Dr. Fothergill did in London, I might, although in a weak state of health, perhaps, have applied to that remedy. But as that is not admissible in Philadelphia, the only mean left me to obtain common justice, was the trying one adopted, of my resignation of right of membership, with an intention of appealing to the civil laws of my country, where I will apply for a remedy, unless you can do me full, and in a publick way, that justice, which I consider myself entitled to, and which my character claims.

“ THIS application to you, is with a wish to prevent a legal controversy, as in prosecuting legal plans, circumstances will arise, unpleasant to me to adopt; but if necessary, I shall use my judgment as to the circumstances; but my address to the meeting, accompanying my relinquishment of a right in society with every other equal claim was suppressed, principally by the overseers and the committee of the preparative meeting, aided by John Field; and so lost were they to every feeling as men and Christians, that it seems as if nothing but the loss of my birthright, and, finally, my death (being under great indisposition of body) would satisfy them.

“ ATTACHED by the powers of education, the force of custom, as well as high esteem, and the result of my own judgment to the leading principles

acknowledged by the religious society of the people called Quakers; and, to relinquish my right therein, was truly trying: and the decline as to vital religion and the true principles of that society, has been to me obvious and sorrowful; much occasioned by the introduction of lifeless forms; and the life of religion is buried under them. But the love of power hath bewitched some of the leaders of this people, and has caused them to err in judgment, and like the Galatians formerly, have begun in the Spirit, and think to be made perfect through the flesh.

Am your oppressed friend,
JOHN EVANS.

Papers alluded to.

- “ *Resignation of right of membership 8th mo. 27th, 1806.*
- “ *An address to the monthly meeting, through the Clerk, 8th mo. 29th, 1806.*
- “ *A copy to Samuel Pleasants and others, a committee from the monthly meeting, to whom the above papers were referred, 9th mo. 1st, 1806.*
- “ *Copy to Abrm. Ledden and John Folwell, committee from the preparative meeting, 9th mo. 24th, 1806.*
- “ *Copy to David Bacon and others, 12th mo. 19th, 1806.*
- “ *Certificate of John E. Redman respecting Thomas Savery.*
- “ *Certificate of Barbara Evans and John E. Redman respecting the overseers.*
- “ *Copy of Samuel P. Griffitts and others, dated 1st mo. 2d, 1807.*
- “ *Copy to Samuel Pleasants and others, a committee of ten, from the monthly meeting, dated 1st mo. 15th, 1807.*
- “ *Copy of a letter addressed to John Elliott, dated 3d mo. 20th, 1805.*

- “ *A note to the women’s meeting, dated 2d mo. 26th, 1807, from Barbara Evans.*
 “ *Copy to Samuel P. Griffitts, 1st mo. 28th, 1807.*
 “ *Testimony of the monthly meeting against John Evans.*”

THE above letter was intended as an address preliminary to the examination; and the documents enclosed went to show the manner in which the preparative and monthly meetings had proceeded in the case.

No opposition to this method was made by the members from the northern or southern districts; but they agreed to meet on the occasion. But as Samuel P. Griffitts and Thomas Wistar, two of the members of the monthly meeting, whose proceedings were to be examined, would not agree to meet, the foregoing plan of friendly investigation was in consequence prevented.

THUS, therefore, every opportunity to an amicable adjustment by reference to a number of reputable members of the society, was rendered impracticable by the refusal of the other party; which affords an other instance of that persecuting spirit, so conspicuous throughout the transaction! They could not bear the investigation, because it tended to expose their conduct! What, shall an individual presume to question *our* authority, and litigate the propriety of *our* proceedings? Nay, we have barred the door to a regular appeal, and will not now suffer him to assert his innocence at any tribunal whatever!

WHERE, but under an inquisition, are we to look for a parallel to such conduct? What! and do these boasters of liberty—these loving—labour loving, christians—who have taken so much pains to reconcile a difference with another, refuse to be reconciled to themselves?—Refuse to submit to an investigation in their own way, and among their own

sect, upon the propriety of proceedings, which they boldly allege to be in gospel order?—and are they unable to support their allegations by facts? or, would the investigation result in their own condemnation?

I ASK the candid reader, what is the inference we are to draw, from premises so directly in the teeth of the pretensions set up on the part of the society? pretensions, to which their conduct proves they have no just claim whatever!

REFLECTING as we must reflect, upon measures so subversive of civil and religious liberty, we feel at a loss for language sufficiently energetick, to mark with just abhorrence, the tyrannical assumptions of men, who, in this enlightened age and country, and under a republican government, where ecclesiastical preeminence and toleration are not known but by name, should shut the temple of civil and religious liberty, and persecute a fellow citizen, even to the threshold of a court of justice.

IF they were men whose general characters ranked them with the Neros and Calligulas of history, some palliation might be found for their conduct; or at least a reconciliation of practice and profession! But here, they assume a character not the less abhorrent from the seeming sanctity of profession; but on the contrary, aggravated into ten fold deformity! *Here* we see the most scrupulous exactness, in point of religious decorum, maintained with a view to disguise the real object of their ecclesiastical combination! *Here* we see in the very extreme of frigid formality, the utmost ardency in acts of cruelty and injustice! *Here* are charity and brotherly kindness abundantly professed! love, labour, and affection, as abundantly proclaimed; whilst the secret screw of tyranny, turns upon the head of innocence, and tortures the unhappy victim with its pressure!!

By the testimony of John Shepard, it appears, that on, or about, the 19th of May, 1807, being three months after the disownment of John Evans by the men's monthly meeting, the three women, Hannah Clark, Susannah Haydock, and Jane Pearce, as a committee appointed by the women's monthly meeting, called at the house of John Evans. Here circumstances took place, better expressed in the following deposition :

“ In the Supreme Court of Pennsylvania.

“ John Evans v. Ellis Yarnall, Richard Humphreys, Jonathan Willis, Thomas Savery, Isaac Parrish, Caleb Carmalt, Benjamin Kite, John James, David Bacon, Abrm. Ledden, John Elliott, Hannah Clark, Robert Haydock and Susannah his wife, and Caleb Pearce and Jane his wife.

“ JOHN SHEPARD, a witness produced on the part of the plaintiff in the above cause, being duly affirmed, doth declare and say, that on, or about the 19th day of May, in the year 1807, this affirmant being in the entry of John Evans's house, and the said John Evans then standing at the door, Hannah Clark, Susan Haydock, and Jane Pearce, came up to the door. The last mentioned woman, on her name being asked by John Evans when in the parlour, acknowledged her name to be Jane Pearce, wife of Caleb Pearce, and one of the overseers of the Quaker monthly meeting: the two first mentioned women, this affirmant did not at that time know; but has since been informed of their names as above mentioned, and verily believes his information to be correct. One of them then asked the said John Evans, if his wife Barbara Evans was in; John Evans informed them that she was; but she was not well, and was lying down. They said they had called to

see her; John Evans then inquired of them, if they came in a committee capacity from the monthly meeting of Quakers? they answered that they did. John Evans then told them, that he would not admit them in his house; and that his wife would not see any person, who was appointed by the meeting to wait on her, as she had sent in her resignation of membership long before; and that she had also informed the meeting by note, afterwards, that she would not see any person on that account. After this, Hannah Clark stepped up and put her hand or hands on the breast of John Evans, apparently, with an intention to force her way into his house: then John Evans put his hand on her breast, and prevented her entering for a time. Jane Pearce, who was apparently much alarmed at the assault, was returning towards Chesnut street; but was called back by Susan Haydock, who was along side of John Evans. John Evans then retired into the entry, and they all followed him in.

“JOHN EVANS then informed them of the cruel and unjust treatment he had himself received from the Quaker society; but they not satisfied with that, endeavoured to alienate the affections of his wife from him; and had used those means to endeavour to effect it, by many of them calling on her; that they had acted to her improperly and unjustly in exposing her name, repeatedly, as an offender, on the minutes of their monthly meetings; and to increase the cruelty of their actions, it was, when he was in a poor state of health, occasioned in a great measure, by their unjust conduct towards him.

“HE also said, that as some of them had come a distance, the laws of civility claimed him his asking them to walk in the parlour and rest themselves; which they did; at same time, John Evans requested this affirmant and John E. Redman to come into

the parlour, as witnesses, to what he should further communicate to them, which they accordingly did.

“JOHN EVANS then told them, the said Hannah Clark, Susan Haydock, and Jane Pearce, the impropriety of their coming, when they knew that he had mentioned to a number of friends of the Quaker society, that he would not admit any person to come from the meeting to endeavour to alienate his wife’s affections from him. He then again repeated what he had before mentioned to them in the entry; and entered into a full discussion of all the various circumstances attending the business, from the origin of it; including the cruel and unjust treatment of the overseers in their refusing him an opportunity to state to them, in company with other friends, the facts attending the business; of their refusing him the name of the accuser; the accusation against him; and the Book of Discipline; and of their having dismissed the case, and finally settled it. But which they again resumed, contrary to their positive declarations to a number of friends, and brought it before the meeting without his knowledge or the knowledge of these friends, or any conversation with him or them on the subject; together with many other circumstances and particulars, which this affirmant does not now clearly recollect. About the close of the conversation, Barbara Evans entered the parlour, being called by one of the maids, without the knowledge of her husband. When she addressed the three women thus, That she was much surprised to find they had waited on her, and that she had hoped some friends of understanding in the meeting, would have prevented it. That as she had sent in her resignation some time, and had since informed the meeting by a note, she would not see any person from them on the subject; their coming under such circumstances, was very improper. She also told them, how unjust and cruel they had behaved in this case; that they

had not taken up her resignation in proper time, though they had nothing against her, but let it lay meeting after meeting, which she considered cruel in the extreme; and not only that, but the unjust treatment her husband had received, induced her to resign her right of membership. John Evans, after this, forbid them ever entering his house again, or any other person coming in their capacity, and desired them to inform the meeting, that he considered it an attempt by the meeting, through them, to alienate his wife's affections from him in his ill state of health, which he considered highly reprehensible. And he also informed them, he would sue them for the assault and battery committed on him.

“THE women did not make much reply to what John Evans said; except Hannah Clark, who appeared to have principally the communications, and who appeared full of religious consequence, and in a kind of preaching tone she hoped, as John Evans and his wife had seen things in a better light, they might again see them as formerly. In the course of the conversation, Hannah Clark twice interrogated John Evans whether he knew who she was? he replied, that he knew her; that she was the daughter of a worthy man, Joseph Richardson, whose memory to him was like sweet smelling ointment.

“THE deponent being cross examined saith, that he went apprentice to John Evans, the plaintiff, in the month of August or September, in the year 1791, at the time he was in partnership with John Elmslie, junr.; remained with him as an apprentice, till the year 1796, when his term of apprenticeship expired; that he has lived in his family ever since, except during his absence from this country, having since been several voyages to sea, as supercargo; in which voyages, John Evans was partly concerned; but he always when on shore made his home at John Evans's.

house.—He does not know whether he will charge him for his board or not; but does not expect he will. When he first went apprentice to him, this deponent was about sixteen years of age. When the three women above mentioned first came up, he was within a yard or two from John Evans. He judges that it was Hannah Clark's intention, to force her way into the house, from the circumstance of her putting her hand on his breast; he does not recollect any expression she made use of at that time; he cannot say she appeared angry, when she put her hand on him; or, that there was any thing like anger in her tone or manner; she said she would be glad to see his wife, Barbara Evans; he did not observe that John Evans talked louder than usual; neither of the other two women attempted to lay hands on him. To every thing that John Evans said in the parlour, the women made little or no reply, except Hannah Clark. He cannot recollect that any thing was said, by either of the women, that had a tendency to alienate his wife's affections from him; but he conceives their coming there in that way, had that tendency. John Evans, when in the parlour, said to them he esteemed them as citizens, and that as such, any thing in his house would not be too good for them; but that he did not wish to see them in any capacity from the meeting. And if they came there again in that capacity, their sex should not protect them.

“WHEN the women first came up, they halted on the pavement, and then asked John Evans if his wife was at home? and were answered, yes; that she was up stairs, unwell or lying down; he asked what they wanted with her? they said, they wished to see her. They then came upon the step outside the door; Hannah Clark, at the same time, putting her hand on John Evans's breast, it was her open hand, he cannot say whether it was in an easy man-

ner, or with force and violence. This was all the assault he seen committed by any of the women. John Evans did not endeavour to prevent her entering, in any other manner, than by putting his hand on her as above mentioned: one of the women then appeared to be alarmed and was retiring. He cannot say, that either of the women appeared angry or enraged; or that any angry or loud language was made use of by any of them. It appeared, to this deponent, that they got into the entry in consequence of John Evans's retiring. John Evans generally speaks loud, so that they who are not acquainted with him, might suppose him to be angry, when he is not so. In this conversation, he did not observe that he spoke louder than usual. The conversation of John Evans to the three women in the parlour, as detailed in his deposition, is principally taken from a memorandum made by him four or five months after it happened.

“THE deponent being reexamined on the part of the plaintiff, saith, that John Evans, previous to Hannah Clark putting her hand on John Evans's breast, he forbid them coming in when they were on the pavement. As to the particulars of the conversation of John Evans in the parlour, he speaks from memory aided by the memorandum.

(Signed) JOHN SHEPARD.”

“*Affirmed before me, Oct. 11th, 1808.*

(Signed) MICHAEL KEPPLER, aldman.”

“AGREED to be read in evidence, in case of the witness's death; absence from the state; or inability to attend at the trial; saving all legal exceptions.

(Signed) JOHN HALLOWELL,
attorney for defendants.

Octbr. 11th, 1808.”

(Copy.)

I WOULD willingly forbear making any remarks on the conduct of the committee, in consideration of their sex. But as justice and decency, whenever violated or overstepped, demand, without reserve of quality or sex, the censure which such conduct merits, I cannot pass over the facts detailed in the above deposition, without calling the attention of the reader to the circumstances under which the committee came.

THIS committee, in common with the meeting, were fully acquainted with the reasons of the resignation of Barbara Evans. She had unequivocally informed the meeting, through Hannah Elliott, the clerk, per her letter of the 26th of February, *that she would not see any committee from the meeting on the subject.* For the meeting to persist in the appointment of a committee; for this committee, knowing the circumstances, to accept of the appointment, is an assumption of power, incompatible with the constitution of the state, and of the utmost magnitude, when considered as altogether emanating from an ecclesiastical tribunal; inasmuch as the performance of the visit would be a direct infringement of the civil and religious liberties of the citizen.

JOHN EVANS, as sole proprietor of his house, had an undoubted right to prohibit the entrance of any person. Any attempt, therefore, forcibly to enter in defiance of his commands, becomes a trespass in the eye of the law, whoever may be the trespassers! No distinction is known, nor can any authority be plead in extenuation of the trespass.

ACCUSTOMED to arbitrary acts in their own society, where the most implicit acquiescence is paid to the spiritual authority; their long familiarity with proceedings similar, in some circumstances; joined to the consequence resulting from a station of spiritual importance, might, in this instance, have

taught the committee to expect a tacit submission to their authority!

IF we take a survey of the conduct of the overseers to John Evans; the avidity with which they swallowed the complaint made by John Field; and the rancour with which they persecuted him, in bringing his case before the meeting, contrary to discipline, (not having been visited by the overseers) and during its continuance there; we must believe; indeed it is well known, that the appointment of this committee originated with the men's meeting, *as the principals*, to whom the committee were subservient, *in every respect*, though apparently otherwise; and was therefore a combination, with the view of pursuing as far as possible, even beyond their spiritual jurisdiction, a course of relative persecution towards John Evans, by the unjustifiable detention of the resignation of his wife, in order to exercise their remaining power!

THEY would not immediately act upon her resignation, but kept it pending before the meeting several months: as if, by such exposure, to influence her conduct, or produce regret at the step she had taken! In this, however, they failed, whatever might have been their expectations. But to continue her case in the meeting; to call it over at divers times, when she had done nothing to merit such treatment; when nothing was alleged against her, (nor could they allege any thing, unless it was criminal to perform her marriage contract, and be a faithful and affectionate wife); such a course of conduct is justly denominated *cruel in the extreme*; and they themselves could scarcely bear up under similar circumstances, if practised to equal extent against them.

DID they wish to prevail on her to rescind her resolutions!—For what? The answer readily pre-

sents itself: To violate her marriage contract; to subvert that harmony which ever had, and should continue to subsist between them.

To undertake such an office, where will you find, except in that society, and with that committee, any woman hardened enough for the purpose! But they did undertake it! They attempted to execute it—they attempted it by force, by violent measures! For, when forbidden to enter the house, and finding opposition was made by John Evans, who positively forbid them to enter at their peril, Hannah Clark put her hands on him, with the intent to push him away, in order to effect an entry.

WHEN we consider that this was the effort of a feminine character, whose religious vanity could afford presumption sufficient to cope with superior force, we are lost in astonishment! And though she met with the rebuff she merited, she still undauntedly renewed her exertions to force an entry, in opposition to his express prohibition.

WE have now an instance of their practice, as well as their profession. We here find, that though the committee were women, they did not scruple to act a masculine part, in attempting to force an entry; committing, at the same time, a trespass and assault upon the property and person of a citizen. Influenced by a zeal which sets at defiance even common decency, and the regard due to character, the committee, relying on the protection which their sex afforded, proceeded, in a deliberate manner, to intrude their company, after being denied the right of admission.

THAT in thus extending their spiritual jurisdiction they did not act merely as the committee from the women's meeting, is evident. On the contrary, the women's meeting could not, in its own right, exercise jurisdiction at all. The men only were ultimately the actors in the business, and the com-

mittee, acting in this respect as the agents of the men, derived their powers from them exclusively.

WE must therefore consider the acts of the women as the acts of the whole, and consequently, that in the assault and trespass here committed, the men, as well as the women, were responsible.

IN this point of view, it acquires still greater importance, as the immediate act of the men's monthly meeting, three months after their jurisdiction had ceased by their own agreement! And now I ask, if this visit was not made with the intent and purpose of compelling John Evans and his wife to submit to the spiritual authority of the monthly meeting, contrary to the constitution of the state, and in violation of the civil and the religious liberties of the citizen?

IF this is not persecution, then the Quakers have never been persecuted! Is it necessary that open violence should be used? here then we have an instance of it! But it is not merely the restraint imposed by law upon the consciences of the citizens, which alone assumes the name of persecution; no, it may be in private as well as in publick; it may be with spiritual as well as temporal authority; and is not the less violent or unjust for the deliberate and imperative manner of its proceedings!

A SHORT time after the assault and trespass committed by Hannah Clark, Susannah Haydock, and Jane Pearce, another committee from the women's monthly meeting called on Barbara Evans. When they came John Evans was not at home, but returning shortly after, he found them conversing with his wife in the parlour.

WE cannot suppose, that after the circumstances which took place between the other committee and John Evans, that this committee should be ignorant of the prohibition of John Evans, against all persons coming to his house in a meeting capacity;

and from the general, as well as from the special circumstances of the case, the impropriety of the visit must have been evident to them.

It was not expected, by John Evans and his wife, that any committee from the meeting would again intrude upon them; and from the habits of intimacy subsisting between them and this committee, it was calculated to excite their feelings in no ordinary degree. Indeed the conflict between friendship and duty, was poignantly experienced on this occasion. John Evans now saw even the school-mates of his youth, and the friends of riper years, in the combination against him; contributing to augment that distress of mind, which had already undermined his peace, and threatened a long and painful dispensation of bodily affliction. But let us here draw the curtain of oblivion; let us consider the committee, imprudently influenced by the society to comply with a duty, which, had they known the conflicts of, they would have declined.

THE letter wrote them, on the occasion, by John Evans, must however appear.—It contains some important facts, amongst which stands conspicuous, his desire of an accommodation with the former committee, Hannah Clark, Susannah Haydock, and Jane Pearce, in relation to the trespass and assault and battery.

(Copy.)

“ *Philada. 6th mo. 24th, 1807.*

“ RESPECTED FRIEND,

“ *Mary Pleasants,*

“ FROM the peculiar respect and esteem I view thee in, as well as thy family, and the remembrance of thy honourable progenitors, it is with extreme regret that I am under the disagreeable necessity to address thee on a subject in which though I think thou must have done violence to thy best feelings,

to keep up thy importance in the religious society of the people called Quakers, and have no doubt, from thy good understanding and sense of religion, thou must have felt as Naaman did when he uttered this language : ‘ In this thing the Lord pardon thy servant, that when my master goeth into the house of Rimmon, to worship there, and he leaneth on my hand, and I bow myself in the house of Rimmon : when I bow down myself in the house of Rimmon, the Lord pardon thy servant in this thing.’ 2d Kings, v. 18. I considered thy entering into my house in order to distress my wife, (a most worthy woman) and to endeavour to alienate her affections from me, and her marriage covenant to be broken, is cruel. Great care is necessary in any interference between a man and wife : and the proceeding, as it regards thy colleague Sarah Parrish, I consider equally reprehensible ; and could we call on our old pious schoolmaster, Anthony Bennezet, he would inform you as he did me sometime before his death, the Quaker society had its religious weaknesses ;—if then, when wise men governed, what must it be now, when ‘ women are their counsellors, and children rule over them.’

“ I SHOULD have in silence kept those poignant feelings in my own breast, had there been the least degree of real love or christian charity in the society, and the civil rights of men been regarded in conducting this business ; but now tacitly to submit to the erection of an inquisition of this kind against us, under the mask of love, is bidding good speed to tyranny and oppression. And although my dear wife and myself must experience, as a person expressed to me many years ago, who was disowned for a moral sentiment, that the Quakers had a way of persecuting, unknown to any other people ; but we trust an approving conscience will stand the test, and be a counterpoise against jesuitical cunning and pharisaical holiness, now practised against us, in the Qua-

ker society, although the actors may be like the Scribes and Pharisees formerly, having the uppermost seats in the meeting, and greeting in their little circles.

“HAVING before mentioned my rights in civil society, as being invaded as it respects this transaction, briefly remark the facts. The women’s monthly meeting of the religious society of the people called Quakers, appointed a committee of three of their overseers, and they in a meeting capacity, although the meeting had received a note from my wife, which they read in meeting, informing the cause of her procedure, and expressly forbid any person to call on her; and both of us verbally informed a number of active persons that we would not receive any person on that occasion; yet disregarding her and my repeated assertions and civil rights, they forcibly attempted to enter my house; and when standing in my entry, at the door, Susan Haydock entered my house; Hannah Clark, by force and violence, committed an assault on me and endeavoured to enter, which for a time I prevented; and in consequence of the conduct of Hannah Clark, Jane Pearce was alarmed, and having some degree of modesty, was going away, but called back by Susan Haydock. I mentioned to them at the door, as also in the house, the impropriety of their conduct; and that I considered their coming wholly inadmissible, and an attempt to alienate the affections of my wife, which is cruel in the extreme; that I desired them to inform the meeting that I considered it so; and I now again repeat what I told them and you, when at my house, and request you will inform the meeting, that I do consider it a shameful violation, or attempt to separate my wife’s affections, and an insult under all circumstances of our rights under the protection of the civil laws and unprecedented. I also call upon you, in a meeting capacity, to inform the meeting of the transaction; and if the

monthly meeting does not deal with Susan Haydock, Hannah Clark, and Jane Pearce, for the assault and battery committed on me, as is usual in such cases with other transgressing members, I will proceed legally against them ; but if the meeting will proceed against them as offending members, and they will send me a copy of their acknowledgment to the meeting, or the issue of the business, with a copy of the monthly meeting's minutes in the case of my wife ; and the offenders make a proper acknowledgment for their misconduct to me, considering their sex, I will be satisfied, otherwise I shall be under the disagreeable necessity of a publick exposure of their conduct ; but would prefer a more private way in your society, as it might be a check to such tyranny and oppression in future ; and induce a serious thoughtfulness, not only to justice, but a respect to the common law of the land.

“ I HAVE not forgot that upwards of fifty years ago we were under the tuition of dear A. Bennezet ; and personally I highly respect and esteem you and your descendants ; and while writing the remembrance of your ancestors, I feel the pleasing sensations that I had their friendship, and they my undisguised esteem ; but as you have, for causes best known to yourselves, assumed, under most serious circumstances fully known and understood by you, entered into unjustifiable acts, and by it countenanced injustice, cruelty, and oppression, towards me ; and though as private friends I esteem you, and particularly my dear friend Mary ; yet as members of the monthly meeting in your society capacity, I abhor and detest the principles your conduct leads to support ; and believe the day is not far off, that both in Europe and America, if the various publications of dissentions, amongst the Quakers in London, Liverpool, and Ireland, are to be credited, a serious schism in that body must be expected and unavoidable, un-

less the powers of a Spanish inquisition are vested in them, or a recurring to their first principles. And although painfully called on, to state plain truth to my friends, yet I do feel as before mentioned to you in a private capacity, a sincere good will and desires for your present health and true happiness.

And am your friend,

JOHN EVANS.

“ To Mary Pleasants and Sarah Parrish, the committee of the monthly meeting of the religious society of the people called Quakers, appointed to call on Barbara Evans.”

“ P. S. ALTHOUGH I have in the origin directed this to Mary Pleasants, as once my particular and esteemed friend, yet in a society capacity, I consider the letter generally addressed to you as a committee of the Quaker society, and in that point I wish it considered.

“ THE original, of which the above is a true copy, was delivered by me to Mary Pleasants, on the same, or the next succeeding day of the date.

J. E. REDMAN.”

BY the foregoing letter we observe, that though John Evans had been assaulted by a committee acting under the spiritual authority of the meeting, three months after he had been disowned, and other aggravating circumstances, which might exasperate the most calm and deliberate, and justify an appeal to a legal tribunal, yet he was open to an amicable accommodation, and desirous of an immediate recognition of the circumstances in the Quaker society, that the offenders might not be exposed beyond necessity; but that a prompt determination might

put an end to a controversy so disagreeable to him and to them in the event of a legal prosecution.

But instead of the performance of this reasonable and christian desire, it was treated with the most supercilious contempt, as were all his former applications.

THE mystery in which the proceedings of the men's meetings were involved, and no act having taken place on their part, independent of the assault and trespass, cognizable in a court of justice, it was a matter of necessity, though of great reluctance, that the women were made defendants. The great principle of action, and indeed the object of the prosecution emanated from the proceedings of the men, and though the assault and trespass was used merely as the ground of the prosecution, in order to get at that object, this was of minor importance with the plaintiff. So far, therefore, from instituting this action for damages done by the women alone, it was to prove, by means of the assault and trespass, a system of persecution by the male defendants against the plaintiff, while acting in the capacity of an assignee, in order to deprive him of the rights and liberties of a citizen! On this ground, the plaintiff contended, that after the act of resignation he was no longer a member of the Quaker society;—that therefore, all their proceedings subsequently, in relation to him and his wife, were subversive of their rights and liberties, and contrary to the constitution of the state, and of the United States.

WE have now exhibited the evidence in possession of John Evans, as plaintiff in the late action, on which he rested the prosecution against the overseers and some of the preparative meeting committee.

RELYING on the clearness of this evidence, and the justice of his cause, he claimed a verdict from the court and jury.

It now remains to make some observations on the conduct of the defendants at the trial; conceiving ourselves warranted by the freedom with which, during the discussion of the cause, they animadverted on the plaintiff for opposing their plans; against whom they aimed the stings and arrows of reproach and scorn, without adducing a single fact, or any evidence whatever, that could warrant such proceedings. We will not, however, imitate the defendants, nor, like them, advance general denunciations, without submitting the evidence of facts, to support them. Nor will we preach the infallibility of our opinions, or influence the mind of the reader to accept of an inference, where there is no fact adduced.

It was a matter of astonishment to the plaintiff, and to every one acquainted with the moral and religious principles of the Quaker society, that so much discussion should be excited, and so much stress laid on the alleged independence of the women's monthly meeting. But as the avowed object was, to discharge the male defendants from the pending action, and under pretence of that distinction, introduce them as witnesses against the plaintiff, our astonishment is still more increased, at a measure, the tendency of which is subversive of the trial by jury, and the privileges of the plaintiff.

HOWEVER innocent the male defendants might declare themselves, the evidence submitted to the court did not show even probable cause for the motion! But as they attempted to prove by argument the independence of the men's meeting, and that the women's meeting only were responsible for the acts of the committee, we will now take up the subject, and show to a demonstration, by the evidence of facts, that no such distinction exists.

THE Book of Discipline contains the rules and regulations of all the meetings, both of men and

women. The women, therefore, have no separate compact, or any rules of proceeding, independent of the Book of Discipline. There is no sexual difference recognized in the rules of discipline, either individually or collectively. The right of legislation, or the enactment of the rules of discipline, is vested in the men alone.

A MONTHLY meeting consists of men and women jointly. They meet at the same time, though separated during the transaction of business; and each forms a component part of the monthly meeting, collectively.

THE women exercise a special care over those of their own sex, in relation to moral conduct; and in some instances, as assistants to the men; but the right to excommunicate is vested in the men only.

IN case an appeal is made by a female, from the decision of the monthly meeting, it is considered by the men's quarterly meeting; and again, if continued, in the men's yearly meeting.

THE women hold no real property under their association, but are admitted to enjoy in common with the men, the same places for worship and discipline.

THEY have a fund for the assistance of indigent females; but in cases of absolute maintenance, provision is granted from the funds of the men.

THESE facts being considered, it is matter of surprise that the men defendants should proceed to exculpate themselves from any participation in the action, under pretence of their independence; nay, it is not only surprising; but, when considered in another point of view, merits our indignation.—What! because the women, in their pious endeavours to reclaim a member, who (as they allege) had strayed from the flock, commit an assault and trespass upon the person and property of a citizen—the male defendants, availing themselves of a

pretended independence, most heroically desert them at the moment when their company would have been most serviceable. We may find a parallel to this dastardly action, in the fable of the wolf and the goat; I need not make the application.

THE motion made by the defendants' counsel to discharge the men, before any evidence was exhibited to prove them innocent of the charges, was an infringement of the privileges of the plaintiff; and an unjustifiable attempt to influence the court, and to invade the rights of the jury.

IF the plaintiff had made them defendants, to defraud them of their testimony, it was in their power, if innocent, to prove it; but as no evidence was given to this effect, an attempt to defeat the plaintiff, by discharging the principal defendants, was an unjustifiable imposition; and merits the indignation of every friend to justice.

BUT all the proceedings of the defendants during the progress of the trial, tended to excite prejudice against the plaintiff. The evidence adduced by them, was of the same stamp, and evinced the same principles which distinguished their proceedings in the meeting.

ALL their witnesses, excepting Rachel Cruksbank, an elder, were clerks of the meetings, or members of the preparative and monthly meeting committees, in the case of the plaintiff on the complaint of John Field. The former interested officially; and the latter influenced by considerations which would have influenced the defendants themselves, had they been permitted to give testimony. If, therefore, in their evidence, the witnesses should admit the points which the plaintiff's counsel pressed upon them, it would operate equally on them, as members participating in the acts of the defendants!

THE general tenor of the evidence, was the same as an argument; where no facts could be

given, second-hand information was produced; and to bolster up their defence, the motives of the defendants' proceedings, were promulged to the court and jury by the witnesses, in their zeal to do them service! The great *love, labour, and forbearance*, which the defendants themselves alleged in justification of their conduct, were echoed and reechoed by their witnesses.

AND in still further aggravation of proceedings so subversive of the rights of the plaintiff, the defendants were countenanced by the attendance of many hundreds of both sexes, members of the Quaker society! some of whom were *preachers*, elders, and overseers! and many active and influential characters in the society.

I WILL here inquire, Why this great assemblage, unless to influence the court, jury, and counsel, with the magnitude of their interests as a religious body, whose susceptibility on the occasion supplicated the clemency of the court and jury in behalf of the defendants, to whom, in comparison, the rights and feelings of the plaintiff were vain and feeble competitions?

I HESITATE not to state, the probable motives of the unusual concourse present, and the tendency of it; and I appeal to those who were present, and who contributed to augment this influence, whether my inference is not correct!

THE Quaker society hold up a testimony against all legal proceedings; and if I remember right, their discipline asserts, in relation to controversies in courts of law, "that nothing but the necessity of the case, can bring any of the members there." Yet without any other necessity, than an unjustifiable assumption of privilege, several hundred men and a large number of women,* as if warranted by gos-

* It was matter of surprise to many, and we believe, not before paralleled in Pennsylvania, that such a number of

pel authority, availed themselves of the right to crowd the court, as though it had been one of their meetinghouses! and, by giving daily attendance during the trial, showed by their anxiety, that they warmly participated in the interests of the defendants.

THE motive of such conduct cannot be doubted! On one side, the plaintiff, without any other protection than the common privilege of a citizen, countenanced by a spiritual assemblage only; a clear conscience and the evidence of duty, contended with the weapons of truth and justice, *against fourteen defendants, and several hundreds of others equally interested!*

THE plaintiff laboured under many disadvantages for want of information on the probable and principle evidence of the defendants. His counsel were instructed by allegations; the facts could only be developed in the course of the trial.

THEY were ignorant of the discipline, on which rested the justification of the defendants, and consequently were not prepared to contend with that strength of argument, which an intimate acquaintance with it would have furnished them.

THE court could not be well apprised of the nature of a controversy, in which so many points were involved; and it was a difficult matter, in an early stage of the trial, to mark out the boundary lines of the plaintiff's cause, to enable the court to give a clear decision upon the admissibility of evidence.

THE defendants, on the contrary, knew the evidence of the plaintiff, and the ground on which he rested the prosecution.

IN the preliminary stage of the evidence, they

FEMALE Quakers, should regularly attend the court, during the trial, which lasted seven days! neglecting their domestick concerns, for the litigations of the law, and assuming a character directly the reverse of that modest demeanour, which constitutes the ornament of their sex!

produced the Book of Discipline in support of their proceedings against the plaintiff. This the court admitted as obligatory upon the plaintiff, so long as he continued by consent under its operation.

It was not, therefore, until the defendants themselves evaded the decision, that the plaintiff could introduce any testimony in his favour; and then the repeated objections of the defendants' counsel, and the arguments before the court, prolonged the cause to so late a period, that but a profile view of the plaintiff's evidence could be at all offered to the jury.

IN the action thus brought before the publick, the plaintiff considered not merely his own interests, but the interests of his fellow citizens as eventually depending. It was not for the gratification of feelings altogether confined to himself; nor the vindication of his own character from any real or supposed imputations, which might have attached in consequence of his controversy with the defendants, which induced him to appeal to the laws of his country. No, he disclaims all resentment; every motive which in the opinion of the world he might justly advance, in the pursuit of redress from the tribunal of justice, for a nobler and more important object; the defence and liberation of the civil rights of every citizen, from the imposing pretensions of religious tyranny!

AND though in this patriotick cause, he knew the strength of opposition, and the exertions that would be made to defend the ecclesiastical *Delilah*; yet he was not daunted nor cast down by the mighty power of his opponents; but contended with a firmness and patience, which nothing short of the evidence of duty and a clear conscience could have afforded.

HE contended for the rights and privileges of citizens, against a fearful combination;—a combination of spiritual and temporal authority, in which,

were involved the tranquillity and happiness of the citizen, and the welfare of the state.

AT his time of life, being near seventy years of age, he could not anticipate the event; nor promise to himself the enjoyment of that liberty which was to succeed:—Nay, the mighty effort which destroyed this Babel of spiritual tyranny, might overcome the conqueror and prostrate him in the ruins! To posterity, therefore, he dedicated the cause in which he laboured, and to them he transferred the blessing!

The cause has been decided.—The pillars of religious tyranny have been thrown down.—The prosecutor has survived the conflict—and to his country and his God, he dedicates the feeble services he has rendered.—Trusting in the protecting arm of Providence, for support during the remainder of existence, he will be enabled to look back upon the past, with the consciousness of having performed an incumbent duty, to himself and fellow citizens.

The following is a statement of the evidence delivered on the trial of Evans v. Yarnall and others, for a trespass and assault and battery, which was founded upon the circumstances detailed in the preceding narrative.

THE suit was brought in the Supreme Court of the state of Pennsylvania, to March term, A. D. 1808, and was tried at a court of *Nisi Prius*, holden before judge Brackenridge; the trial commenced on the 20th November, A. D. 1810, and was continued by adjournments until the 27th of November, A. D. 1810, when the jury returned their verdict.

THE action was brought by John Evans *against* Ellis Yarnall, Richard Humphreys, Jonathan Willis, Thomas Savery, Isaac Parrish, Caleb Carmalt, Benjamin Kite, John James, [David Bacon, Abraham Ledden, John Elliott,*] Hannah Clark, Robert Haydock, and Susannah his wife, and Caleb Pearce and Jane his wife.

The following persons were the jurors, who were severally sworn and affirmed to try the cause :

John Rugan, Daniel Shute, John L. Clark, John Uhler, Robert Ritchie, Samuel Fulton, Joseph Spencer, William Murdock, James Ker, Francis Engle, John Scoby, Thomas Mason.

<i>Counsel for John Evans :</i>	} <i>Counsel for the defendants :</i>
J. W. Condy, Moses	} John Hallowell, William
Levy, Jared Ingersoll,	} Rawle, and William Lew-
and Edward Tilghman,	} is, Esquires.
Esquires.	}

IT is not intended to give the arguments of the counsel, either upon the opening of the case on the

* These defendants died previous to the trial.

part of the plaintiff or the defendants; upon the various points of testimony which presented themselves during the progress of the trial; or upon the concluding addresses to the jury. Much ability was unquestionably displayed by the professional gentlemen on either side, and the display of their arguments would shed considerable light upon the various transactions which occurred in this interesting controversy. The facts, in the cause, were pressed with considerable ingenuity, and the important principles arising out of them, were elucidated and illustrated with ability and force.—But it is foreign to the design of this publication, to present any thing to the publick, but *the facts, upon which alone* it is wished that each one may form his own decision.

THE first evidence produced by the plaintiff, was the deposition of John Shepard.

(Copy.)

“ *In the Supreme Court of Pennsylvania.*

“ *John Evans v. Ellis Yarnall, Richard Humphreys, Jonathan Willis, Thomas Savery, Isaac Parrish, Caleb Carmalt, Benjamin Kite, John James, David Bacon, Abrm. Ledden, John Elliott, Hannah Clark, Robert Haydock and Susannah his wife, and Caleb Pearce and Jane his wife.*

“ JOHN SHEPARD, a witness produced on the part of the plaintiff in the above cause, being duly affirmed, doth declare and say, that on, or about the 19th day of May, in the year 1807, this affirmant being in the entry of John Evans’s house, and the said John Evans then standing at the door, Hannah Clark, Susan Haydock, and Jane Pearce, came up to the door. The last mentioned woman, on her name being asked by John Evans when in the parlour,

acknowledged her name to be Jane Pearce, wife of Caleb Pearce, and one of the overseers of the Quaker monthly meeting: the two first mentioned women, this affirmant did not at that time know; but has since been informed of their names as above mentioned, and verily believes his information to be correct. One of them then asked the said John Evans, if his wife Barbara Evans was in; John Evans informed them that she was; but she was not well, and was lying down. They said they had called to see her; John Evans then inquired of them, if they came in a committee capacity from the monthly meeting of Quakers? they answered that they did. John Evans then told them, that he would not admit them in his house; and that his wife would not see any person, who was appointed by the meeting to wait on her, as she had sent in her resignation of membership long before; and that she had also informed the meeting by note, afterwards, that she would not see any person on that account. After this, Hannah Clark stepped up and put her hand or hands on the breast of John Evans, apparently, with an intention to force her way into his house: then John Evans put his hand on her breast, and prevented her entering for a time. Jane Pearce, who was apparently much alarmed at the assault, was returning towards Chesnut street; but was called back by Susan Haydock, who was along side of John Evans. John Evans then retired into the entry, and they all followed him in.

“JOHN EVANS then informed them of the cruel and unjust treatment he had himself received from the Quaker society; but they not satisfied with that, endeavoured to alienate the affections of his wife from him; and had used those means to endeavour to effect it, by many of them calling on her; that they had acted to her improperly and unjustly in exposing her name, repeatedly, as an offender, on

the minutes of their monthly meetings; and to increase the cruelty of their actions; it was, when he was in a poor state of health, occasioned in a great measure, by their unjust conduct towards him.

“ HE also said, that as some of them had come a distance, the laws of civility claimed him his asking them to walk in the parlour and rest themselves, which they did; at same time, John Evans requested this affirmant and John E. Redman to come into the parlour, as witnesses, to what he should further communicate to them, which they accordingly did.

“ JOHN EVANS then told them, the said Hannah Clark, Susan Haydock, and Jane Pearce, the impropriety of their coming, when they knew that he had mentioned to a number of friends of the Quaker society, that he would not admit any person to come from the meeting to endeavour to alienate his wife’s affections from him. He then again repeated what he had before mentioned to them in the entry; and entered into a full discussion of all the various circumstances attending the business, from the origin of it; including the cruel and unjust treatment of the overseers in their refusing him an opportunity to state to them, in company with other friends, the facts attending the business; of their refusing him the name of the accuser; the accusation against him; and the Book of Discipline; and of their having dismissed the case, and finally settled it. But which they again resumed, contrary to their positive declarations to a number of friends, and brought it before the meeting without his knowledge or the knowledge of these friends, or any conversation with him or them on the subject; together with many other circumstances and particulars, which this affirmant does not now clearly recollect. About the close of the conversation, Barbara Evans entered the parlour, being called by one of the maids, without the knowledge of her husband. When she addressed the

three women thus, That she was much surprised to find they had waited on her, and that she had hoped some friends of understanding in the meeting, would have prevented it. That as she had sent in her resignation some time, and had since informed the meeting by a note, she would not see any person from them on the subject; their coming under such circumstances, was very improper. She also told them, how unjust and cruel they had behaved in this case; that they had not taken up her resignation in proper time, though they had nothing against her, but let it lay meeting after meeting, which she considered cruel in the extreme; and not only that, but the unjust treatment her husband had received, induced her to resign her right of membership. John Evans, after this, forbid them ever entering his house again, or any other person coming in their capacity, and desired them to inform the meeting, that he considered it an attempt by the meeting, through them, to alienate his wife's affections from him in his ill state of health, which he considered highly reprehensible. And he also informed them, he would sue them for the assault and battery committed on him.

“THE women did not make much reply to what John Evans said; except Hannah Clark, who appeared to have principally the communications, and who appeared full of religious consequence, and in a kind of preaching tone she hoped, as John Evans and his wife had seen things in a better light, they might again see them as formerly. In the course of the conversation, Hannah Clark twice interrogated John Evans whether he knew who she was? he replied, that he knew her; that she was the daughter of a worthy man, Joseph Richardson, whose memory to him was like sweet smelling ointment.

“THE deponent being cross examined saith, that he went apprentice to John Evans, the plaintiff,

in the month of August or September, in the year 1791, at the time he was in partnership with John Elmslie, junr. ; remained with him as an apprentice, till the year 1796, when his term of apprenticeship expired ; that he has lived in his family ever since, except during his absence from this country, having since been several voyages to sea, as supercargo ; in which voyages, John Evans was partly concerned ; but he always when on shore made his home at John Evans's house.—He does not know whether he will charge him for his board or not ; but does not expect he will. When he first went apprentice to him, this deponent was about sixteen years of age. When the three women above mentioned first came up, he was within a yard or two from John Evans. He judges that it was Hannah Clark's intention, to force her way into the house, from the circumstance of her putting her hand on his breast ; he does not recollect any expression she made use of at that time ; he cannot say she appeared angry, when she put her hand on him ; or, that there was any thing like anger in her tone or manner ; she said she would be glad to see his wife, Barbara Evans ; he did not observe that John Evans talked louder than usual ; neither of the other two women attempted to lay hands on him. To every thing that John Evans said in the parlour, the women made little or no reply, except Hannah Clark. He cannot recollect that any thing was said, by either of the women, that had a tendency to alienate his wife's affections from him ; but he conceives their coming there in that way, had that tendency. John Evans, when in the parlour, said to them he esteemed them as citizens, and that as such, any thing in his house would not be too good for them ; but that he did not wish to see them in any capacity from the meeting. And if they came there again in that capacity, their sex should not protect them.

“WHEN the women first came up, they halted on the pavement, and then asked John Evans if his wife was at home? and were answered, yes; that she was up stairs, unwell or lying down; he asked what they wanted with her? they said, they wished to see her. They then came upon the step outside the door; Hannah Clark, at the same time, putting her hand on John Evans’s breast, it was her open hand, he cannot say whether it was in an easy manner, or with force and violence. This was all the assault he seen committed by any of the women. John Evans did not endeavour to prevent her entering, in any other manner, than by putting his hand on her as above mentioned: one of the women then appeared to be alarmed and was retiring. He cannot say, that either of the women appeared angry or enraged; or that any angry or loud language was made use of by any of them. It appeared, to this deponent, that they got into the entry in consequence of John Evans’s retiring. John Evans generally speaks loud, so that they who are not acquainted with him, might suppose him to be angry, when he is not so. In this conversation, he did not observe that he spoke louder than usual. The conversation of John Evans to the three women in the parlour, as detailed in his deposition, is principally taken from a memorandum made by him four or five months after it happened.

“THE deponent being reexamined on the part of the plaintiff, saith, that John Evans, previous to Hannah Clark putting her hand on John Evans’s breast, he forbid them coming in when they were on the pavement. As to the particulars of the conversation of John Evans in the parlour, he speaks from memory aided by the memorandum.

(Signed) JOHN SHEPARD.”

“*Affirmed before me, Oct. 11th, 1808.*”

(Signed) MICHAEL KEPPLER, aldman.”

“ AGREED to be read in evidence, in case of the witness’s death; absence from the state; or inability to attend at the trial; saving all legal exceptions.

(Signed) JOHN HALLOWELL,
attorney for defendants.

Octbr. 11th, 1808.”

(Copy.)

“ *To the monthly meeting of the religious Society of the people called Quakers, in Philadelphia.*

“ 8th mo. 27th, 1806.

“ THE Subscribers consider themselves no way responsible to the society, and no longer as members thereof; and this to be recorded as their relinquishment.

(Signed) JOHN EVANS,
BARBARA EVANS.”

THE following letter was offered by the plaintiff’s counsel in evidence, and rejected by the court; but was afterwards, at another stage of the cause, offered and admitted. It is therefore inserted in this place, as it was intended to accompany and explain the preceding letter of resignation of J. and B. Evans.

(Copy.)

“ Philada. 8th mo. 29th, 1806.

“ ESTEEMED FRIEND,

“ *John Biddle,*

“ I TRUST thou wilt do me the justice to hand this to the monthly meeting, with the communication I handed thee yesterday, as the cause of my adopting that plan; as I am informed that the overseers of the meeting brought forwarded a complaint to the preparative meeting yesterday, thus: ‘ John

Evans having had a difference with another member of this meeting, he declines seeing him by himself, or in company of the overseers for its accommodation. The injustice of which will appear by the following certificate :

(Copy.)

“ CALEB CARMALT called this day on John Evans, by direction, as he said, of the overseers of the meeting, and informed John Evans, that his case with John Field was to come before the next preparative meeting. John Evans then demanded of Caleb Carmalt, as an overseer, the charges against him in writing; the person who is the accuser; and, the Discipline of the society, to know where he has transgressed.

“ HE also requested an opportunity of a conference with the overseers in the presence of Doctor Griffiths, Thomas Harrison, Thomas Parker, David Bacon, and a few other judicious men, before his case came before the meeting; but Caleb Carmalt gave him no satisfaction, or any assurance, that his request would be granted, but insisted on its going forward.

“ WE certify these to be true statements of facts, as we were present the whole time, being called in by John Evans as witnesses.

(Signed) JOHN E. REDMAN,
NATHANIEL HOLLAND.

Philada. July 22d, 1806.”

“ THIS being the case, and the business alluded to having been before the overseers, at the request of John Field near two years ago, and finally settled by them; and the writing objected to, returned to me, without any observations made by them on the occasion. They now bring it forward to the preparative meeting, and not giving me an opportu-

nity as requested, I consider it by them a defamation of my character, religious persecution, and a tendency in a civil point of view of obstructing my acting as an assignee in the line of my duty under the trust, for the benefit of his already long injured creditors. And the ultimate wish and the governing principle of my conduct was, equal justice to all, and an approving conscience.

Thy friend,
(Signed) JOHN EVANS.

“ P. S. My great indisposition of a gouty complaint in my stomach, has been much increased by the conduct of John Field. And the overseers’ unwarrantable conduct, has been one great cause of my adopting the plan of resigning my right of membership, as my weak state of health could not bear the exercise that a continuance thereof would occasion.

(Signed) J. E.
JOHN BIDDLE,
Clerk of the monthly meeting.

“ PLEASE to hand this, as I consider it as the property of the monthly meeting. J. E.”

John E. Redman affirmed—I was a member of the monthly meeting, and handed the letter of resignation to a person who said he gave it to John Biddle, who was then clerk of the monthly meeting. The clerk introduces the business to the meeting. I came away immediately after delivering the letter to W. Dawson, who sat near to the clerk. I do not remember hearing John Biddle acknowledge receiving the letter.

John Biddle affirmed—I was clerk of the monthly meeting in August, 1806. I received a letter containing the resignation: I cannot tell who handed it

to me: I suppose it is now in the hands of my successor, as clerk, and delivered over with other papers belonging to the office. Samuel Bettle is my successor in office—It is not the custom to consider such papers as discharging a person from his rights, unless it is accepted in the usual manner, and information given him to appeal—There is no instance of such a thing.* It is a new thing entirely—I think the copy now produced is the same.

THE next evidence offered, was a deed of assignment, dated 11th April, 1799, from John Field and wife and John Field, junior, to John Evans, Philip Nicklin, Robert Smith, and Thomas Clifford, in trust for the benefit of their creditors. This evidence was objected to by the defendants' counsel, and withdrawn for the present.

“ At a monthly meeting of Friends of Philadelphia, held the 27th of the 2d mo. 1807.”

“ UPON further consideration of the paper laid before the meeting by John and Barbara Evans, and that much patient labour hath been extended towards him, on account of a difference between him and another member, without the desired effect; and he having as stated on our minutes of last month relinquished his right of membership with us, it is agreed that we no longer consider him a member of

* The witness says, that a letter of resignation is a new thing, and that there is no instance of its discharging a member from his right in the society, unless it takes the usual course; that is, unless it is accepted in the usual manner. Thus then the witness affirms it to be an unusual thing, no instance of it; and yet it took the usual course, and was accepted in the usual manner! a solecism, which the logical skill of a disciplinarian can only understand!

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our religious society. Of which conclusion David Bacon and Samuel P. Griffitts are desired to inform him.

Benjamin Ferris affirmed—I am the clerk of the preparative meeting, and have been so since May or June, 1806—It is not a meeting of record—They do not keep minutes—I believe there was something by way of complaint brought forward that year against John Evans—I suppose it came from the overseers, as usual, on a small piece of paper—The first which I saw of the complaint was in this paper—I cannot say who made complaint to the overseers—I cannot particularly recollect the complaint—The substance of it was a refusal of John Evans to comply with the order of discipline in settling a dispute between him and John Field—The paper is probably destroyed—We do not keep those loose papers—I have a copy at home—The business done in the preparative meeting is to be carried forward—It is sent to the monthly meeting, and there recorded—I do not recollect any letter of John Evans, of the 29th of August, 1806, coming into my hands—I believe that Ellis Yarnall was an overseer of the monthly meeting, as well as Jonathan Willis, Isaac Parrish, Thomas Savery, Caleb Carmalt—I am not certain as to Benjamin Kite, Caleb Pearce, or John James—I do not recollect to have heard any of Evans's letters read in the monthly meeting—I think I recollect a letter of John Evans's that was brought forward to the monthly meeting, being committed to a few friends to examine—I cannot recollect any of the committee—I do not recollect whether John James was one of them, or whether they made any report—I have not seen that letter since—The minute produced is in my handwriting, and is true, as far as it goes.

Copy of a minute in the preparative meeting books.

“ Aug. 28, 1806.

“ A DIFFERENCE subsisting between John Evans and another member of this meeting, John declines to see the party, either by himself or in company with the overseers, for its accommodation. The following friends are requested to visit him and report to next meeting, viz. William Wilson, Abraham Ledden, and John Folwell.

“ 10th mo. 30th, William Wilson requesting, by a friend, to be released from his appointment in the case of John Evans, and the committee requesting further assistance, John James, Samuel P. Griffiths, David Bacon, and John Elliott, are appointed to join them.”

Extract from the minutes.

THE committee appointed were William Wilson, Abraham Ledden, and John Folwell. John James, Samuel P. Griffiths, David Bacon, and John Elliott were appointed to join them.

THE complaint could not be pending at the same time both in the preparative and monthly meetings.* The preparative meeting carries the business forward to the monthly meeting. I took the paper from notes which I keep for my own regulation, as clerk of the meeting. I should not refuse the monthly meeting a sight of those notes. The overseers of the monthly meeting never, that I know of, applied to me for them. I keep the notes

* It is a fact, notwithstanding the witness affirms to the contrary. A committee was appointed by the preparative meeting, on the 28th of August, 1806; and on the 29th, a committee was appointed by the monthly meeting. And as the case was not brought to issue until the month of February, 1807, it follows, that the case was depending in the monthly and preparative meetings at the same time, though the witness declares, that it could not be so, even if it was so. E.D.

in a small book. The committee was to report to the preparative meeting. The preparative meeting make a report to the monthly meeting—The whole complaint of the monthly meeting is in the first four lines of the paper of the 28th of August, 1806, as follows: “A difference subsisting between John Evans and another member of this meeting, John Evans declines to see the party, either by himself or in company with the overseers, for its accommodation.” I know of no letter from Evans to Ledden and Folwell, or to either of them. The letter of the 29th August, 1806, was never before the preparative meeting. There is no reference to that letter in the paper. There was no other report from the preparative meeting to the monthly meeting. The preparative meeting had no information of the resignation of John and Barbara Evans, before the committee appointed.

John Biddle affirmed—I cannot remember the day I received the resignation of John and Barbara Evans. I think it must have been the day on which the monthly meeting assembled. I suppose it was in August. I do not recollect receiving it from John Evans’s hands. I have no doubt it was handed to me by W. Dawson, or some other person to me, as clerk. It is not customary to read any letter or paper, handed by individuals, until it is first examined by a committee appointed for the purpose, in order to see if they are proper. The letter of the 29th August, 1806, was referred to a committee.*

* Here the witness says, a committee was appointed by the monthly meeting, in order to see if the letter of the 29th August, 1806, was proper to be read, and that this was customary; thus, therefore, at the very time when the business in the meeting originated, it was known to the committee that the overseers had not done John Evans justice; and yet they pretend in a subsequent page of the testimony, that they received the first intimation of the kind, from John E. Redman; at the meeting on the 25 December, four months afterwards!

I have not minutes of the monthly meeting. My successor has. I cannot say whether the letter was reported to the meeting or not, but have no doubt it was. I believe the reasons of the disownment are stated at large on the books; so far as they are thought necessary to justify the disownment. The conclusion is handed to the party with the right to appeal.¹ No other reasons are on the minutes than on the paper handed to the party. A disownment is agreed to by the women; it is concluded by the women, and then ratified by the men. When there is a difference of opinion in the monthly meeting, those who have the least weight give up, and the matter is harmoniously settled. No vote is taken. Evans's letter was acted upon as such papers usually are.* The regular course is for the clerk to read a paper privately; he then informs the meeting such a paper is handed in. A committee is then appointed by the meeting. It was so on this occasion, to the best of my recollection. The clerk says nothing of the contents of the letter or paper. I received a letter in January, 1807, as clerk of the monthly meeting, from John Evans, which I suppose to be in the hands of my successor, Samuel Bettle.

Samuel Bettle affirmed—I am at present the clerk of the monthly meeting of friends in this city. I have been assistant clerk, and clerk about nine years; I have been clerk about two years; I have the minutes of the monthly meeting for the years 1806 and 1807.

(N. B. It was admitted that there is a society of

* Evans's letter was acted on as *such papers* usually are! And yet it was a novel thing—nothing of the kind having ever before occurred, &c.—The idea of novelty cannot possibly be made to extend to the resignation, if *such papers* were treated as *usual*: but as it is a term applicable somewhere, we will note it in its proper place, and say, the conduct of the overseers and committee was novel and unprecedented! Ed.

people called Quakers in this city; that they are not incorporated; and that Evans and the defendants were all members.)

THERE is no minute of the 29th August, 1806, respecting the letter of the 27th of August, 1806. John Biddle, Samuel Pleasants, Dr. Griffitts, Thomas Wistar, R. Smith, junr. John James, Samuel Bettle, Joseph Crukshanks, and John Elliott, were a committee appointed on this letter. I do not know when, but it was according to uniform practice. The first notice that was taken of this case in the minutes of the monthly meeting was on the 30th January, 1807.* As to the relinquishment, it was referred for further consideration to the next meeting. On the 27th of February, 1807, there was a further consideration of the letter of resignation in the monthly meeting; and John Evans was disowned, and no longer considered as a member of our society. The case of his wife was referred to the women's meeting, for their care. On the 26th March, 1807, one of the committee reported, that they had informed John Evans of the conclusion of the meeting on his case. A committee was appointed to hand him a copy of the minutes on his case. This closes the case of John Evans. I know of no other entry, so far as relates to John Evans. I found among the papers that passed to me, as clerk of the monthly meeting, two letters from John Evans to John Biddié, clerk of the monthly meeting; one was dated the 29th August, 1806, the other was dated the 30th January, 1807. The committee of nine finally reported the letter of resignation, and not the letter of the 29th August, 1806. This letter of the 29th August, 1806, was withdrawn by John Evans's own consent, as I understood; we showed great

* The testimony here given, appeared from the minutes of the monthly meeting which were read to the jury.

forbearance to John Evans and declined exhibiting his letter. I do not know it of my own knowledge.* In May, 1807, Yarnall, Humphreys, Willis, Savery, Parrish, Carmalt, Kite, and Pearce, were all overseers of the monthly meeting.

Dr. Samuel P. Griffitts affirmed—Frequently in 1806, I conversed with John Evans on the subject of the complaint against him to the meeting. He showed me many papers, which he supposed to be interesting, before any complaint was exhibited to the meeting; probably David Bacon, Thomas Harrison, and Thomas Parker, were with me at John Evans's, but I cannot positively recollect. All I recollect is, that Evans understood his case was to go forward, and desired me to mention to the meeting not to proceed at that time.† It was delayed for a time. I do not recollect that he asked for a conference with the overseers. I mentioned Evans's request to some of the overseers. John Evans always said, that he would meet John Field, if he gave him certain papers; I do not recollect whether they related to *the trust*. Evans was for

* This witness having first given his evidence on supposed facts, as though well acquainted with them, declares at length that he does not know them of his own knowledge—more anon! ED.

† The evidence here given by this witness is altogether in extenuation of the defendants; almost every material point, was entirely forgotten. The indisposition of the plaintiff is slightly touched; and the fact of the conference requested by the plaintiff of the overseers, not recollected. Nay, although this witness was an active member of the preparative meeting committee, and one of the principle persons concerned in the origin of the complaint, to whom the overseers refused a conference with John Evans; and with whom they had agreed to dismiss the complaint; yet he appeared to know very little of the matter between the plaintiff and defendants. It was chiefly owing to the professional avocations of this witness, that he was not made one of the defendants! ED.

some time complaining as to his health. He complained a good deal, and with reason; I was his physician. He was about at times. I believe the proceedings were never taken to the *meeting of sufferings*, nor the proceedings in this suit.

Hannah Elliot affirmed—I was clerk of the women's monthly meeting, in 1806 and 1807. It received a letter of resignation from Barbara Evans. I do not recollect the date. I believe it was the day after it was written, and the day previous to the monthly meeting. A letter from Barbara Evans dated 26th February, 1807, was handed to the meeting the next day, and the paper of resignation of Barbara Evans was at the same time handed to us from the men's meeting.

(Copy.)

“ Philadelphia, 2d mo. 26th, 1807.

“ RESPECTED FRIEND,

“ I EXPECT the resignation of my right of membership, will be handed from the men's to the women's monthly meeting to-morrow.

“ THE cause that has induced me to this, is the unjust treatment my husband, John Evans, has received from the overseers of the men's monthly meeting; and has occasioned me (and not religious dissent) as a faithful wife to an affectionate husband, thus to protest against such unprecedented conduct, which I consider he has received from the society, by the means of the overseers of said meeting.

“ I WILL not see any committee from the meeting on the subject.

Am thy friend,

(Signed) BARBARA EVANS.

“ HANNAH ELLIOTT, *clerk of the women's monthly meeting.*

“ *To the women's monthly meeting of the religious society of the people called Quakers in Philadelphia.*” }

“THE original, of which the above is a true copy, was delivered by me to Hannah Elliott, on the day of the date.

JOHN E. REDMAN.”

Nathaniel Holland, affirmed—I was at John Evans’s when Caleb Carmalt called; I think it was in 1806; I came in when they were in the parlour. Evans asked Carmalt if he came as an overseer? He said he did, or by the direction of the overseers. Evans demanded of him, in writing, the name of his accuser; the nature of the accusation; and the Book of Discipline, to know wherein he had transgressed; Carmalt made little or no reply, but informed him, that his case would be brought forward at the next meeting. I rather think I heard the whole conversation, but am not positive.

John E. Redman affirmed—I was at John Evans’s on the evening of the resignation, and understood that it had been given in to John Biddle. John Biddle was there when I went in:* After he left the house, I understood it. I saw, the next day, a copy of the resignation, dated 27th August, 1806, which Mr. Evans kept.

The testimony on the part of the plaintiff having closed here, Mr. Hallowell opened the case on the part of the defendants, and then produced their testimony.

Hannah Elliott affirmed—I have here the minutes of the women’s meeting.

* The witness refers to the resignation, as having been written and handed to the clerk of the monthly meeting on the evening of the 27th August, 1806, being the day previous to the sitting of the preparative meeting.

“ Minutes of the women’s monthly meeting.

“ 27th of 2d month (February) 1807. A paper handed us from men friends, signed by John and Barbara Evans, stating that they consider themselves in no way responsible to the society, and no longer members thereof. Also a letter was received from her to the meeting, explaining her reasons. Friends were much exercised under affecting circumstances, and leave it under consideration to next month.

“ 26th of 3d month (March) 1807. The proposal of Barbara Evans again revived and referred to a future meeting.

“ 30th of 4th month (April) 1807.—Again resumed under weighty consideration. It was the judgment of the meeting, that it would be right at least to obtain a conference with her; Hannah Clark, Susannah Haydock, and Jane Pearce, were appointed.”

NONE of the men defendants were consulted as to the appointment of this committee; they had no knowledge of it; they never have any knowledge of the proceedings of women’s meetings, until they are regularly brought before them by message. The men’s meeting were in no manner concerned in making the appointment, but the women exclusively were. Complaints against the women are always made to the women’s meeting. This was an exception, as she was joined with her husband. They are acted upon in the women’s meeting. After the labour of the women, and they have done all they can, the result is reported to the men’s meeting, who, alone of themselves, issue a testimony of disownment. If the men think it necessary, they draw up a testimony of disownment. There was no charge against Barbara Evans. The first introduction of her name was in consequence of the paper

relinquishing her membership, which came from the men's meeting. The men have no agency in cases of women, until a report is made from the women's to the men's meeting. Hannah Clark's hearing is very defective; she is very deaf; she draws near to a person when speaking to him; she is often observed to put her hand on the arm of the person she wishes to speak to. I am well acquainted with John Evans, his usual tone of voice is very loud when interested in a subject.

Rachel Crukshanks affirmed—I have known Hannah Clark upwards of thirty years, and intimately for fifteen years; she has been very deficient in hearing many years, but more so for the last twelve years. One must come near to her ear and raise his voice to be heard by her.* It is usual with her, to lay her hand on the arm or breast of the person she is speaking to.

Samuel Bettle affirmed—I was one of the committee appointed to take the resignation and the letter accompanying it into consideration. One reason of not reading the resignation at the monthly meeting, was, because it was accompanied with a condition

* It may be remarked in this place, that although Hannah Clark is declared to be hard of hearing, yet it is not contended that the other women had any failing of this kind. If, therefore, they in coming to the plaintiff's house, were prohibited admission, it was the duty of those who heard, to prevent the attempt by giving some kind of signal of information.

When in the parlour, there were no visible signs of deafness, but Hannah Clark, whose deafness is now so strenuously urged in her defence, was principle speaker!

But even admitting her deafness to be as great as the evidence declares; it affords an instance of the superior judgment of the meeting, to select, and send a deaf woman to converse with, and convert by argument a strayed member; who was not capable, by reason of that deafness, to maintain a conversation!

Ed.

that the letter assigning his reasons, should be also read. A second reason was, that the subject was novel and important, and it was, therefore, thought proper to deliberate upon it. A third reason was, that we were desirous to let John Evans have time for consideration. And the fourth reason was, that we were desirous that John Evans might not debar, the society from examining into the injustice, which, he alleged, had been done him in certain concerns.

WE took great pains with him: every thing was done in *the spirit of brotherly love*,* and took the course that has appeared.

WHEN there is a difference between two members, it is the duty of the overseers to procure a meeting of the parties. If one refuses, the overseers are bound, after every effort, to report the case to the preparative meeting, whose duty it is to take every germ of hostility away.

AFTER the case had been in the preparative meeting a short time, a young man arose, and said, John Evans was not satisfied with the conduct of the overseers in this business. In consequence of this, the meeting deliberated, and delayed the proceedings, and directed the committee to examine into the fact, and see whether the overseers had proceeded according to discipline. I do not know what took place in that committee. This was before

* This witness having been examined on the part of the plaintiff, is now examined by the defendants, to whom he makes a general confession, not only of what he knows, but of what he has heard! No less than four reasons are stated why the defendants did not immediately accept the plaintiff's resignation; and at the back of these he has patched a fifth, by way of an appendix; that is, that they took a great deal of pains with him, and every thing was done in brotherly love! both of what he knew and what he had heard. Such, for instance, as bringing his case before the meeting contrary to discipline; refusing the name of the accuser, the accusation, and the Book of Discipline; denying him the right to resign; suppressing all letters written by him for the information of the meeting;

the resignation went to the monthly meeting.* This was on the 25th of December, 1806. On the 28th of January, 1807, the committee reported, that the proceedings were according to discipline; but as John Evans was sick, the business was continued. On the 26th of February, 1807, the committee reported, that they had nothing further to report in John Evans's case, and it was directed to be carried forward to the monthly meeting.

WHEN there is a difference among females, an accommodation is to be had among themselves. Our discipline is taken from the precept of our Saviour—If there is no accommodation, the case then goes to the preparative meeting of the women; thence to their monthly meeting. Then the women's meeting send it by message to the men's meeting—There the women rest it, and the men take cognizance of it for the first time. If the men are satisfied with what the women have done, they appoint two persons to draw up a testimony of disownment. The men's meeting had no knowledge of the women's proceedings, until the 28th of May, 1807. Women and men have different funds—Where there is a disownment, a committee is appointed to take it to the party; to give him a copy, and inform him of the right of appeal—There are two appeals;

keeping his case near seven months pending in both the preparative and monthly meetings; at length disowning him; and three months after disownment, by way of further proof of the same kind of brotherly love, committing an assault and trespass upon his person and property!!

The zeal of this witness was pretty evident; he gave many loving proofs of the pure motives of the defendants, in their proceedings against the plaintiff; in consideration of which, his wife was the next month installed into the holy office of overseer!

Ed.

* How could it be possible that the resignation did not go to the monthly meeting until after the 25th December, 1806, when a committee was appointed upon it, in August preceding.

Ed.

one to the quarterly meeting, and from thence to the yearly meeting. I do not know what the dispute between Evans and John Field was, nor what was the calumny. There was no other difference in Evans's case, from other cases; except an unusual degree of forbearance and attention to John Evans. The monthly meeting are not authorized by the discipline to disown, without visiting, the party, except it be for a crime, or in case of his absconding—The Book of Discipline is kept by the clerk of each meeting of business—Each member has a right to call for it and read it—It is frequently done. The same meeting that makes the preparative, makes the monthly, meeting—The most material parts of discipline are read several times a year, in the monthly meeting,* and the whole annually—Every member of the monthly meeting may state his sentiments—The clerk takes the sense of the meeting, in a minute, and reads it: if it is not objected to, it is concluded to be acquiesced in—No vote is taken: if a number are dissatisfied, we wait patiently until there is a general acquiescence.† All is on an equality. I never heard John E. Redman take a part, except on the one occasion which I mentioned ---the meeting agreed to his proposition. I do not think he specified any thing in particular; but only the general conduct of the overseers. There was an appearance of dissatisfaction by an individual at what John E. Redman said: I did not hear it; it was at a distance.

* The term *several times*, may imply from two to twelve, or more, as the reader pleases; which will afford as correct an idea of the number, as the hearer obtains of the matter, thus read, by piecemeal!

ED.

† We may contrast this testimony with the report of the proceedings in the meetings, where we find the general acquiescence here spoken of, is altogether compulsory. The majority in influence, not in number, govern the proceedings; and although fifty of the second grade should disapprove, the influence of five of the first grade would more than counterbalance the opposition!

ED.

* *ARTICLE Discipline*, page 35. "After a charge against a member for disorderly conduct, is entered on the minutes of a monthly meeting, he or she should not be permitted to sit in any of our meetings for discipline, till the case is issued and the monthly meeting satisfied."

I HAVE been clerk and assistant clerk for nine years, during which time the practice is as has been related. When John E. Redman spoke in the preparative meeting, some person said, he ought to sit down; but he was overruled, and the examination entered into.

N. B. (THE counsel of the defendants here offered Jonathan Willis, one of the defendants, as a

* The discipline was here read as evidence. But in collecting the evidence from the notes of counsel, the discipline is referred to in a general way.

It was the design of the compiler to have exhibited all the evidence given at the trial; but as the discipline was not in his possession, and no part of that which made evidence in this case, excepting page 35, known to him, he made several applications to members of the society for the purpose of introducing it, but could not obtain it.

The following letter was also written to the clerk of the monthly meeting on this occasion, which will show the design of the compiler, and the difficulty he experienced in endeavouring to obtain this part of the testimony.

Philadelphia, 12th mo. 31, 1810.

John Evans respectfully requests Samuel Bettle, as clerk of the monthly meeting of the religious society of the people called Quakers in Philadelphia, to furnish him with the extracts from the Book of Discipline, as per the annexed list.

John Evans wants them, to insert, as evidence produced on the part of the defendants at the late trial. If it is not convenient to hand the extracts, if Samuel Bettle will lend him the Book of Discipline, John Evans will have them copied. And he pledges his word, that it shall be early returned, and that no person but J. E. Redman, who will copy the extracts, shall read the Book.

John Evans has been to J. Hallowell, Esq. and made a like request, but he has returned the Book of Discipline. He has also been, and sent to J. R. Hopkins, Esq., but cannot procure the extracts or the Book.

witness for them. The plaintiff's counsel objected to it, and the judge decided that he could not be a witness.)

John Folwell affirmed--W. Wilson, Abraham Ledden, and myself, were the committee appointed by the preparative meeting on the 28th August, 1806, to see Evans on the subject of the difference between him and Field. Wilson wished to be excused, and I believe he did not go. We had one or two conferences with him, in that or the next week. I cannot say a great deal of what passed; we were received kindly; I cannot say that we had more than one meeting with Evans; I think we had two, but am not certain. I believe we verbally mentioned to Evans, what had been reported to the preparative meeting. I do not think that Evans then asked for the Book of Discipline. Within two months after, I visited him; he complained of not having the Book of Discipline. I said, I thought it was a mistake, for that the Book was open to every body. I got it for him and left it at his house; he kept it for two or three days; as long as he pleased. At the next preparative meeting on the 25th September, 1806, four other friends, John James, David Bacon, John Elliott, and Samuel P. Griffiths, were joined with us to assist us. We visited Evans three or four times. I do not recollect how the committee got together; I suppose they informed one another; we met in the evenings at Evans's. I do not recollect that Evans objected to meeting us. He was once or twice a little irritated; our conferences were quite friendly, and according to the usual practice of friends. I do not recollect that he said any thing about his resignation; we told him, that we waited on him as a committee of the meeting. I do not recollect any conversation as to a member's mentioning the irregularity of the over-

seers. I do not recollect that he told the committee, that he did not think himself subject to church discipline. We visited him every month; in some months, two or three times until the report was made. John Evans, at times, during these visits was a good deal complaining. I do not recollect that Evans retracted or withdrew his resignation. John Evans handed us, or one of us, a letter; I believe also an account current. I cannot recollect to any certainty the letter handed to us.

N. B. (HERE the plaintiff's counsel offered in evidence the letter of the 24th September, 1806, from John Evans to the committee of which Folwell was one. This evidence was objected to by the defendant's counsel; but on argument, the judge admitted it. The copy was proved by John E. Redman.)

(Copy.)

“ Philadelphia, 9th mo. 24th, 1806.

“ RESPECTED FRIENDS,

“ Abraham Ledden, }
“ John Folwell, }

“ AGREEABLY to your request yesterday, I now give you information in writing, of the circumstances attending of John Field, the overseers of the monthly meeting of the religious society of the people called Quakers, in Philadelphia, and myself.

“ THE report they made to the preparative meeting is false; as I did agree to see John Field, on condition of his delivering to me the title papers relating to the deeds of trust, which in a joint letter to him from all the assignees, he was desired to do; but which he has not complied with, though he had the letter eight or ten weeks previous to the overseers, calling on me, and which I informed the overseers of.

"I DID then, and do now, consider their interference improper; as I know of no cause of complaint; and though requested, they would not give a specifick one, or any opportunity of seeing them in company with those respectable friends, mentioned in the annexed certificate; and I consider their conduct a defamation of my character, and an infringement of my religious and civil rights, as one of the trustees to the estates of John Field and John Field & Son; and it gives him encouragement to oppose the execution of the trust to his already much-injured creditors, and the treatment is cruel and unchristian.

(Signed) Am your friend,
JOHN EVANS."

"CALEB CARMALT called this day on John Evans, by direction, as he said, of the overseers of the meeting, and informed John Evans, that his case with John Field was to come before the next preparative meeting. John Evans then demanded of Caleb Carmalt, as an overseer, the charges against him in writing; the person who is the accuser; and, the Discipline of the society, to know where he had transgressed.

"HE also requested an opportunity of a conference with the overseers in the presence of Doctor Griffiths, Thomas Harrison, Thomas Parker, David Bacon, and a few other judicious men, before his case came before the meeting; but Caleb Carmalt gave him no satisfaction, or any assurance, that his request would be granted, but insisted on its going forward.

"WE certify these to be true statements of facts, as we were present the whole time, being called in by John Evans as witnesses.

(Signed) JOHN E. REDMAN,
NATHANIEL HOLLAND,

Philada. July 22d, 1806."

“ A COPY of the above letter and certificate was handed by me to Abraham Ledden, on the morning of the preparative meeting.

JOHN E. REDMAN.”

Robert Smith, junior, affirmed—I was one of the committee of nine, appointed by the monthly meeting when Evans’s letter of resignation and other letter were handed in to the clerk. I did not call on Evans or converse with him. The reason why the resignation of John and Barbara Evans was so long kept off of the record, was, that the novelty of the circumstances induced some hesitation. It was an unusual occurrence. In the second place, the resignation was accompanied with a letter containing a request that the letter might be brought forward with the resignation. In the third place we apprehended, that as it appeared to us a hasty proceeding on the part of John Evans, he might, perhaps, be induced to change his mind; we hoped, that by delaying his case, he might be prevailed on to change his mind. It was the duty of John Evans to see another member, either alone or in company. All our rules of discipline are in print; the last edition included all. The committee received from Evans, letters or papers, I carried what were handed to me, to the committee of nine. They appeared to be on subjects foreign to our appointment. We took no notice of them. I do not know what became of them. I do not recollect in any other case, papers presented. Papers which are deemed important are taken care of by one of the committee, and deposited with the clerk if it be thought proper to preserve them.*

[N. B. See page 157.]

* This witness as well as all the others was a party to the proceedings of the defendants, he being one of the monthly meeting committee; who, as he himself declares, did not deem

John E. Redman affirmed—I was present at Evans's, when the committee of the preparative meeting were there. They said they came to confer on the business of John Field; Bacon, James, Griffiths, and Elliott, were present. They said they came in consequence of the complaint of John Field to the overseers of the meeting. Evans told them, that as he had resigned his right of membership in the society, he did not conceive they had any right to call on him at all. Some conversation took place. But as they had come, he admitted them to a conference. He stated generally, the business of Field; that he was acting as assignee to him and him & Son; that all the assignees had in April, 1806, written a letter to Field, demanding the title papers belonging to the trust, which had been frequently repeated, but that the assignees had never obtained them; that he was the acting assignee appointed by the other assignees, and particularly requested by them to obtain those documents; that he knew of no cause of complaint between himself and John Field; but he was willing to accommodate the meeting and meet John Field, if Field would deliver the title papers to any other of the assignees for the use of the creditors. At the same time, I read to them a letter, which he wrote to them on the 19th of December, 1806. I handed it to them, and they took it away with them. The committee then went away.

the letters from John Evans to be important, or worthy of being preserved! He echoes the alleged novelty of the act of resignation, and gives three reasons why it was not acted on. On the novelty of this business different opinions are entertained, as we observe by the certificate of John E. Redman, of the 30th of January, 1807, wherein it appears that Thomas Parker said, It was not the first time such things had been done; and, also, the opinion of Thomas Wistar, who observed, That any person had a right to resign in any religious or civil society whatever.

E.D.

(Copy.)

Philada. 12th mo. 19, 1806.

“JOHN EVANS being deeply depressed with the cruel and unchristian treatment he has received from the overseers of the monthly meeting of the religious society of the people called Quakers, of Philadelphia, although he considers the persecution from them not often paralleled, it being a defamation and a libel on his character; yet he has no objection of seeing John Field in the presence of David Bacon, Abraham Ledden, John James, Samuel P. Griffiths, John Folwell, and John Elliott, although he considers them as having no claim to the same, provided John Field will deliver to John Evans all the papers relative to the deeds of trust, as per letter dated 18th April last, ordered by all his assignees under the deeds of trust. And from a desire to give them an opportunity, John Evans further agrees to accommodate, that if John Field will deliver all those papers alluded to, to either of his assignees, and they will certify that they have received the same, as a *bona fide* deposit, for the use of his creditors, he will still go further, meet him in company with those friends above mentioned.

DAVID BACON, *and others.*

I WAS at the preparative meeting on the 25th December, 1806.

THE clerk stated the case of John Evans, and desired the committee to make report. I made minutes of the transactions in this meeting a short time after. David Bacon reported, that they had laboured with John Evans in great love, but were sorry to state, they could not reconcile him to that member. They must make the report final, and leave it to the meeting. The meeting was silent some considerable time; as I had heard one of the committee the day before declare, he would state the whole of

the facts on the subject, (John Elliott) I rose with a view to prompt him to his duty in that particular. I did not go with an intention to speak. I was not in habits of speaking in the meeting. I said, I hoped the committee would do John Evans the justice to state the grounds, on which they founded their report. None of the committee said a word at that time. I rose again and stated that the minute made by the overseers was incorrect. That John Evans did agree to see that member. He had said so to me, and repeatedly to the committee, provided he would comply with requisitions with which he had not complied. I recollected the committee had been furnished with a letter on the 19th of December, which I called on them to produce. I mentioned also my opinion of it; that it would throw considerable light on the subject. Some person asked for the minutes of the meeting; the clerk said that he had not brought it with him. They sent for the minute and it was produced and read. I then rose again and stated that it was inconsistent, and the name of the member who had complained ought to be inserted on the minute, in order to an examination of the merits of it. I observed John Field sitting in the meeting. Thomas Wistar said, that if the committee had any information, they should state it; I then, I believe, again rose and told the meeting, that the overseers had never called on John Evans in an official capacity. That I was present at the interview, and heard him ask them, Whether they came as friends or as overseers? and they answered, that they did not come as overseers, but as friends to the parties only. I offered to confirm it on affirmation. I also mentioned what I conceived was an inconsistency; how could they as friends have access to John Evans? as such obtain his sentiments, and as overseers report to the meeting? I went further, when I spoke of inserting the name of Field; men-

tioned that it would give Friends an equal opportunity with the committee, of contrasting the characters of the two opponents. James Pemberton then rose; he said that he had known John Evans from a boy; that he was a man of unexceptionable character, and believed he was willing to do right, provided they had proceeded in a proper manner. He insisted on the propriety of inserting Field's name on the minute. Peter Andrews next spoke on the subject; he said when things began at the right way, usually came out right; but in this case they did not look straight. Thomas Savery then rose and said, he was sorry to see this place made a place of controversy, and that it ought not to be so. James Pemberton replied, that it was a place for controversy, and where facts ought to be made known and investigated. Several Friends spoke on the subject, stating the inconsistency in which the matter appeared. Thomas Wistar said, it seemed so mangled and inconsistent, it was not fit to go forward. I again rose and apologized for what I had said, as the meeting appeared unacquainted with facts. Samuel Bettle rose and said, it was customary to appoint committees on such cases to collect facts, or rather to investigate matters, and decide thereon, and then report their decision to the meeting. I again rose, stating that I did not agree with his premises, nor his conclusions; for as he stated it, it would be deciding upon a decision. That the facts ought to be made known, otherwise it would be deciding without facts, and concluding without premises. I then stated some similar case; adding, first do justice to the party accused, by placing him and the accuser upon an equal footing. That I was confident when this was done, Evans would see that person; that he had said so to me and repeatedly to the committee in my presence, provided he would comply with certain requisitions

of which the committee knew. I then told them I should say no more on the subject. John James then rose and said, he was sorry the young man exposed himself so. Another member, not a party to the suit, rose and said, he hoped I would keep my seat and not disturb the meeting. John Thomas spoke in reply, and said, that person had assumed more than his right; that the young man had as good a right to speak as any one of them; and had this person kept his seat, it would have been as well. After this debate, the business was deferred to next meeting.

ON the 2d of January, John Evans wrote a letter to the committee, addressed to Griffitts and others. I copied the letter and took it to the committee.

HERE the letter addressed to Samuel P. Griffitts and others, was read by the plaintiff's counsel.

(Copy.)

“*Philada. 1st mo. 2d, 1807.*”

“RESPECTED FRIEND,

“*Samuel P. Griffitts,*

“THIS acknowledges thy calling on me at my house, last evening, as one of the committee of the preparative meeting of the religious society of the people called Quakers, in Philadelphia, and informing me the committee and the overseers of that meeting were to be together at Fourth street meeting-house this day, and thou wished me to attend.

“I THEN informed thee, and now repeat it, that I had nothing new to offer; that I had a few nights since a return of those spasms at my stomach, which obliged me to call up all my family, and that my state of health would not admit of it. After thou left me last evening I had, though light, a return of the same

complaint, and did not go to bed till near 12 o'clock, and then had but little sleep all night.

“ I AM thus particular in stating the circumstances; for though I consider the meeting with the overseers *now*, all out of time, yet that the business as you call it is before another tribunal, and only in that way according to your plans could it be settled. Was I in good health I would meet you in company with two or three of the creditors of John Field, although I consider the proceedings as a perfect inquisition, and only wants the power of the civil magistrate to execute its authority, and to wreak its vengeance on me.

“ IN the first place, I have been wantonly brought before the meeting, by the overseers, as an aggressor, without due form; * refused giving me the specifick charge against me, or my accuser; and the Book of Discipline kept from me, although I have requested it. But lately, by mere accident, I saw the great law book by which I am to be judged, and I think it in many parts objectionable; in its conclusions without premises, and precludes an honest man from seeing his accusers and the judge, before whom he is to be tried, by which means, I am and others precluded common justice; and John Field, my accuser, admitted, and was near the head of the meeting; and he and his friends, the overseers, by their presence, deterring a free discussion of the business.

“ HAD the committee done their duty by an open and just statement of facts, it would have been but just; but instead thereof a long detail was given by one of them, David Bacon, complimenting himself and the committee at my expense; stating their great love and affection; and that I was laboured with, but forgetting that justice was the first principle of love, and that they should have attended to. It was their

* That is contrary to discipline, without having been visited by the overseers. ED.

proper business to investigate facts and return them to the meeting simply, without fear, favour, or affection to the parties; and let the body judge those facts.

“THE uncandid manner in which the committee treated me, was beneath the dignity of men. Abraham Ledden and John Folwell I admitted to see me on the occasion, and they requested from me in writing a statement of the business, which I gave them, and they unjustly kept it from the meeting, to which I now refer you. An addition was made to the committee by their request, whom I also admitted in hopes of justice; but to my surprise, the last time I saw them, I only knew their design, the old story over again, ‘see John Field;’ when I mentioned to them what was their duty, to do justice in the first place by a deposit of the papers to the assignees, and I would see him, but not otherwise. And when my young friend called on the committee for justice to the meeting, by stating facts in their possession, he was insulted by Joseph Townsend; also by John James shamefully treated, by saying he was sorry the young man exposed himself. I will inform John James what is the sense of his fellow citizens, of the same profession; that he is considered a vain forward man---and had the men that I once knew, governed the society, been living, to wit; Israel Pemberton, John Pemberton, John Reynolds, Owen Jones, Anthony Benezet, Hugh Roberts, Dr. Moore, &c. the young man would not have had occasion to call on the committee; and such strength would have been given me as an assignee to Fields’ estates to act as an honest man, in the cause of truth and justice, to John Field’s creditors, as would have been consonant with the principles we profess as Quakers.

“WAS I charged for treason against the state, it is the privilege of the English law that a man is to hear and see his accusers, and where it does not exist,

either in church or state, it is tyranny. I shall only refer to Discipline, article 'Law,' page 41, also article 'Trade,' page 131, Advised that when friends, &c. as it refers to John Field's business, as it regards the overseers and committee in the case.

"I HAVE no doubt that was Robert Smith a member of meeting as I was, he would have been complained of, as John Field charged him repeatedly to me with injustice in receiving cash of him on a joint concern for himself and as an agent, and passing it all to his own credit,* and it is not to me only that he has said this, but to several others, and to one person I believe, latterly. Robert Smith denies the charge, to whom I give credit; and his respectability as a citizen is acknowledged. This is intended to show J. Field's character, or if innocent let him prove the facts.

* The statement above, in relation to Robert Smith, was introduced for the purpose of showing the general character of John Field, not supposing the letter would be brought to public view; but since the publication is rendered indispensable, it will be necessary to make a few observations on that subject.

Robert Smith, acting as an agent for a concern in Europe, and being a creditor to a considerable amount, in his own right, received from John Field a transfer of sundry debts, in part payment. The collection of those debts being doubtful and hazardous, some of them payable in Kentucky and the southern states, he had therefore a right to use his own judgment, in regard of his own claim; but not as it related to a trust for another. And had he acted differently, he would have been responsible to his principal, for contingencies that might arise; but as his claim in the agency was direct on John Field, his conduct appears to be justifiable, as a man and a merchant; and the assertions of John Field are unjustifiable and reprehensible.

Note—By the foregoing letter, it appears that John Evans considered the meeting with the overseers and committee, was merely on the same ground, he not being informed otherwise as was requested in the origin of the business, to inform them on the trust, and which as citizens and christian brethren, it was their duty to have done, but which they then refused, though upon this principle, as Samuel P. Griffiths informed John Evans, in the presence of his wife, that they had entirely dismissed the complaint of John Field.

“ I NOW hand to the committee my letter to the monthly meeting; a certificate from my wife and John E. Redman, respecting the business with the overseers; John E. Redman, respecting Thomas Savery; and wish you to call on George Heberton. Abraham Ledden has mine to him and John Folwell, and you have the one last week handed you. There is mine to the committee of the monthly meeting, which you can procure, I suppose, of R. Smith, Second st.

“ HAVING submitted all I intend on this trying occasion, as my health is much affected, and refer to my physician, Samuel P. Griffiths, who has seen me in deep distress, in my spasms, which has been occasioned by John Field, and the countenance and encouragement of the overseers, and their conduct. Remember, Friends, my much esteemed friend Job Bacon, and the cause that produced his illness and death. And I have seen my much esteemed friend Owen Biddle in my house, when he has related the treatment of John Field, almost frantick or insane, from his treatment. This being the case, you will now, knowing my state of health, and that I cannot bear up under your pressure, excuse me when I inform you, I will neither see the overseers, nor the committee of the meeting again on this business; and should I fall by those spasms, my blood is on the overseers' heads.

“ It is my sincere desire that the society may arise out of their state of bondage to matter; and that they may have judges and counsellors as in my minority.

Thy friend,

(Signed)

JOHN EVANS.

*To Samuel P. Griffiths, David
Bacon, Abraham Ledden,
John Elliott, John Folwell,
and John James, a committee
from the preparative meet-
ing.”*

“ JOHN EVANS being unwell, a copy of the foregoing letter was delivered by me, to Dr. Samuel P. Griffiths, then in company with the overseers and committee, at Fourth street meetinghouse, on the day of the date of the above.

JOHN E. REDMAN.”

ON the 29th of January, I was present at the preparative meeting. The clerk called on the committee to report. They stated that they had met at Fourth street meetinghouse, and had requested Evans to attend; but from indisposition he did not, though he wrote them a letter expressing his ideas very fully on the subject. And this was all they had to say; William Wilson remarked, that they had rested the non-attendance of John Evans principally on his indisposition; he supposed they intended to keep the case under their care. John James said, Evans sent a letter expressing his intentions that he would see them no more; he stated the great labour bestowed on Evans by the committee; the love they had showed towards him; and he was yet willing to do any thing more for him. Dr. Griffiths stated the great indisposition of John Evans; that he was thereby incapacitated to transact the common concerns of life; that he had spent the last evening with Evans and his wife, and observed common conversation affected him very considerably, owing to indisposition; his situation was extremely trying; he felt for him very much. He understood from Evans and wife, he would see no more committees, (not certain as to his wife) not owing to Evans's want of respect to Friends, but from ill health. Several Friends hoped it would lie over another month. Elijah Waring said, it would be unbecoming to go forward. Samuel Bettle said, he understood Evans's indisposition had been for some time; he inferred but little prospect of a speedy re-

covery ; that, therefore, nothing would be gained by deferring it. It was, however, deferred to next month.

ON the 30th January, 1807, I was at a monthly meeting. The clerk inquired, Whether the committee were prepared to make report? Dr. Griffiths reported, that they had perused the papers attentively. One of them they thought was not proper to be read; the other was. This was the resignation. Some member objected to the reading of the resignation, as it would open a door for others; and be a precedent which might involve Friends in difficulty. Ellis Yarnall stated, it would form a precedent; that others, in the preparative meeting, would adopt the same mode of resigning and frustrate the *testimony* of Friends against *offenders*, by their evading the execution of the discipline. Thomas Parker said, he apprehended nothing on account of precedent, as it was not the first time such things had been done. Thomas Wistar said, it was his opinion, any member had a right to resign in any religious or civil society. Jonathan Willis objected to its being recorded, without attaching the preparative meeting minute; or some explanation. Doctor Griffiths stated, that the committee were appointed to peruse the papers, and report whether they were proper to be read. That they had complied with their appointment, and reported the resignation; if Friends would keep to that point they would get through easier. The resignation was then read. Some objection was raised against the recording the resignation, without likewise noticing the minute of the preparative meeting.

Doctor Griffiths stated—He had been with Evans and his wife, and it was their united wish, that the resignation should be accepted, and that from his indisposition, Evans would see no more committees

on the subject. He and Evans had a friendly conversation together—Evans expressed his regret that he had shown so much warmth in the business—He believed it proceeded from no want of respect to Friends, but entirely owing to the great agitation of his mind on this truly trying subject—that the resignation was not caused by any difference of principles which Evans held; but the case was simply this: the minute in the preparative meeting stated a difference subsisting between Evans and *another member*, and that Evans declined seeing that member. He said Evans repeatedly told him and the committee, that he would see that member if he would comply with certain requisitions. But as the overseers would not take up that subject, the resignation was written in consequence; his ill health not suffering him to continue a member, or to bear up under the discussion of this business or the visits of committees. The overseers thought it proper, that the preparative meeting minute should be attached, (Willis and Kite who are parties to this suit) wished it referred to another month. The clerk read the resignation by itself on the minutes; it was agreed to be considered as accepted, so far as respects John Evans. This at one time; as to the resignation of Barbara Evans, it was to be sent forward to the women's monthly meeting. Griffiths inquired whether it was intended to wait till concluded in the preparative meeting, and brought to the monthly meeting? If so, he could not unite in it, as Evans always intended to resign his right when the complaint was first made, and the resignation was kept back at the request of the preparative meeting committee, who thought the difference might be accommodated.

CONCLUSION was made on B. Kite's motion (an overseer) and that so far as respected John Evans should be considered as accepted; as to Barbara Evans, it was referred to the next meeting.

ALL the defendants were members of the monthly meeting at this time. I was not in the habit of speaking in the meeting. I had not attended the preparative meeting several years. I cannot say, I took minutes of the proceedings entirely at Evans's request, though he requested me. On the 25th of November, 1806, the committee were to have a conference with Evans in company with the overseers, (as I understood afterwards.) I did not remain the whole time of that meeting.

John Field affirmed—On the 9th of June, 1806, I made the following complaint, in writing, against John Evans to the preparative meeting :

(Copy.)

“ 6th mo. 9th, 1806.

“ RESPECTED,

“ I AM averse to give Friends trouble, but I wish to obtain further aid in obtaining a settlement of matters with John Evans. During a period of about four years, he has indulged a strong resentment on mistaken apprehensions, and been in the practice of circulating false and scandalous charges against me; the particulars of which, you will find in his letter to John Baker, of August, 9th, 1804, to which, and his letter to myself of 15th ult., handed herewith, I refer. These matters are known, I expect, to some of you; but if necessary, I believe that several individuals would confirm them. He also takes an unjustifiable advantage of an error in drawing certain deeds of trust to himself and three others, by refusing to unite with his co-trustees in the execution of said trust; and in opposing the direction of a great majority of the creditors interested therein, whereby great waste of property and

heavy losses have been incurred, which is very injurious to the creditors, and distressing to myself and family. Having some knowledge of the discipline of Friends, and the considerations that influence their proceedings, I am induced to believe the last matter claims their attention as much as the former; because it is a breach of confidence, and of justice extensively injurious; whereas the former is personal, and only respects myself.

“ I HAVE no wish to hurt John Evans, and for a long time have taken much pains to get him to settle matters, either by a conference by ourselves, or by referring them to others; but he has refused and rejected every attempt of that nature.

“ I SHALL hold myself in readiness to meet John Evans or you, when necessary, to explain and support my allegations; and as circumstances urge a speedy proceeding, I request this affair may be laid before the next monthly meeting, unless John Evans will agree to refer all matters between us, to a few disinterested Friends, and abide their decision thereof.

I am your friend,

(Signed) JOHN FIELD.

“ THE enclosed letters being original, I request they may be delivered to me when you are done with them.

“ *To the overseers of the }
monthly meeting.*” }

(Copy.)

“ *Philada. Aug. 9th, 1804.*”

“ JOHN BAKER, ESQ.,

“ *One of the assignees under the bankrupt act, to
John Field.*”

“ HAVING verbally requested thee, as assignee to John Field, to furnish me with documents

relative to a real estate at Frankfort, Kentucky, which I bought of John Field & Son, upwards of two years since, and which I wish to have early issued. In the sale of it, he committed a fraud on me, it being at that time, and a twelvemonth before, in a court of chancery; and he did not inform me of it, and which I since found by the proceedings in chancery, handed me by Colonel Todd, Esq., to whom I sent the deed to be recorded.

“THERE have now more than two years elapsed since I had a conveyance of the property, and John Field has not done any thing to forward a settlement of the business, either by himself, or informing me; and when I have applied to him for information on the business, he has not only refused it, but insulted me by saying, my interference was highly improper, which is adding insult to injury, especially when the property was taken contrary to inclination, instead of cash; and such treatment could only be thought of, by a man of such effrontery as J. Field.

“IHOPE my friend Baker, as acting assignee to John Field under the bankruptcy, may not by his friendship to him experience, as I have, both abuse and loss by it. And permit me, as a large creditor, to inform him, as I have P. Nicklin, R. Smith, and T. Clifford, assignees under the trust, that I consider the powers granted to J. Field by them and thee, are not warranted by common practice; the nature of the trust; or the general character of the man to whom it is committed; and a dangerous precedent in civil society.

“ANNEXED is a copy of some extracts I sent them as a protest against the proceedings, with a declaration that I never would come into the measures, but would legally oppose it, as it was improper in itself; and I had not confidence in the honesty and integrity of John Field, to execute it justly.

“ I ALSO informed them that I had many objections, which I did not consider necessary then to go into; but one pointed one I mentioned, that was, I heard John Field say, if he had the agency from us, he would early sell the property assigned to us in trust, and, by a friend, purchase it in for himself; under the present depressed circumstances, and no doubt, as is usual with him, to his own advantage and the loss of his creditors. I am credibly informed the property is valuable; and if the business is conducted properly, might bring a considerable sum: but, be that as it may, the appointment is improper; the mode to effect it is unprecedented, and will ultimately fail, and *cannot be* effected; though it may cause a longer delay to the injury of the honest creditor, on whose property, John Field has now lived above seven years. By the sum he is now allowed for the three succeeding years, say \$2500 per annum, besides contingent expenses in the business, it appears, considering his small family, it was intended he should keep his carriage and pair of horses at the expense of an already unjustly, and shamefully treated lenient creditor.

“ I WAS not consulted as an assignee, at the time the agency was agreed on, and did not even know, nor in the least suspect, the annuity intended him till it was presented to me for my signature; but I always protested against John Field's having any thing to do as an agent in the business, having no confidence in his integrity, justice, or honesty, these several years past.

“ THUS, my friend, this plain statement of facts is truly unpleasant, especially when I consider it as it relates to a person, for whom, I once had respect and esteem; and indeed, I must acknowledge my credulity for a long time, in placing a mistaken confidence in his repeated assurances, abilities to pay, and resources; but too late, I found his deception.

As I have been censured by some, for my friendship to him, it is necessary to inform :—as a friend, I early opposed the mode he adopted in settling his business, and repeatedly advised to a fair, honourable, just, and equal payment to his creditors by instalments; which, had he adopted, I have no doubt would have been honourable to himself, justice to his creditors; and his situation and character, as well as property, would have been very different from what it is at present.

“ HAVING briefly stated circumstances, it only remains to add—justice due myself abstracted from such treatment as I have received from him, as well as the trust I have taken on behalf of many of my fellow citizens, compel me to act, as I consider due myself, and good faith and trust claim on me, under the appointment.

I am, respectfully,
Thy friend,

JOHN EVANS,

One of the assignees of J. Field and J. Field & Son, under the trust.

“ P. S. I HAVE sent a fee of thirty dollars lately to an attorney at law, to bring the business at Frankfort, Kentucky, to an issue.—Again earnestly request, that thou wilt furnish me with documents on the occasion.”

“ *Extract from my letter dated July 18th, 1804, to Philip Nicklin and others, assignees to J. Field and J. Field & Son.*

“ I OBJECT to the large sum of two thousand five hundred dollars per annum, being paid John Field for three succeeding years, as he has lived on his creditors' property already seven years.

“ **OBJECTIONS** to constituting a debtor an agent generally, and in the case of John Field it will peculiarly apply; he having prevented any special information of his affairs to his creditors or assignees, and his general conduct from the origin of his drawing the large amount of his bills of exchange on London, in the fall of 1796, which were not paid, and constituted a large proportion of his debts in this city, and joined to his subsequent conduct, has destroyed confidence in him.

“ **1ST.** It destroys publick confidence and trust.

“ **2ND.** It places individuals in special favour; who are assignees or men of influence.

“ **3D.** It leaves the weak and ignorant creditor to a designing debtor’s mercy; and, he covers his actions, by the agency of others.

“ **4TH.** It places it out of the power of the creditor to call on the debtor in a legal way; prevents common justice, and destroys the very nature and principles of an assignment in trust.

“ **5TH.** It has a tendency to corrupt morals, by the debtor’s secreting his property; increases his effrontery, subverts justice, familiarizes fraud, and opens the way to many serious evils.

(“ Original delivered by me to John Baker.)

J. E. REDMAN.”

I ENCLOSED these letters to Carmalt—I had several interviews with the overseers—I proposed an interview with John Evans, and no doubt the overseers approved of it, but John Evans resisted it—I made the attempt for the interview with John Evans, in writing, through the medium of Friends—I was very solicitous for it.

(Copy.)

“ **RESPECTED FRIEND,**

“ I WISH thou wouldst be calm and disposed to a friendly conversation. I shall communicate the pur-

port of thy note to C. C. and J. W. and wish thou wouldst be in the way at five o'clock, intending to accompany them to thy house, notwithstanding the reluctance that appears on thy part.

I am thy friend,

(Signed)

JOHN FIELD.*

6th mo. 7th, 1806."

* The above letter, if sent, was never received by John Evans, and the first knowledge had of it was when exhibited at court. The following is a copy of the one in John Evans's possession, to which his of same date is a reply.

Philadelphia, 6 mo. 7th, 1806.

Respected Friend,

I intend calling at thy house at 5 o'clock this afternoon, in company with Caleb Carmalt and Jonathan Willis, and shall be obliged by thy being at home.

I am thy friend,

JOHN FIELD.

7th day morning, 6th mo. 7th, 1806.

John Evans having received the above letter, wrote an answer to John Field, a copy of which he enclosed in the following note to Caleb Carmalt and Jonathan Willis, of same date :

(Copy.)

John Evans's (as an assignee to the estates of John Field and John Field & Son) respects to Caleb Carmalt, and informs he received a note this day from John Field, and he mentions his intentions of calling on him this day, in company with thee and Jonathan Willis.

The note from John Field, I consider, bespeaks his effrontery ; and I trust you will not encourage a person who acts so unjustly as he has done to his creditors ; and as citizens, I hope you will aid in endeavouring to have the just demand of his assignees effected, by his delivering all his papers relating to the deeds of trust to me, as it has been, in a joint capacity, desired of him, about a month since, which he unjustly detains, to the injury of his creditors.

Enclosed is a copy of a note sent him, and though I do not expect you would intrude on me, as a citizen and assignee to those estates, and encourage him to counteract our intentions, (my civil rights I hold in high estimation), though as friends and fellow citizens I respect you, and your company as such, when convenient, would be acceptable, though not with John Field.

P. S. John Field called on William Dawson yesterday,

(Copy.)

" 6 mo. 7th, 1806.

" *John Field,*

" I RECEIVED thy note dated this morning, in which thou proposest calling on me, in company with Caleb Carmalt and Jonathan Willis.

" IN a former note, I mentioned thy uncommon effrontery; I again repeat it, and inform that I will not see thee on any business, whilst thou dost continue in thy unjust and unparallelled conduct, of keeping thy papers from us, thy assignees, and again call on thee, as we did a month ago, in a joint capacity, and request thou wouldst send all thy papers relating to the deed of trust, to me.

(Signed)

JOHN EVANS,
one of the assignees.

" N. B. A COPY of the above was handed to Caleb Carmalt and Jonathan Willis, with a note to each of them."

" DELIVERED by me 6th mo. 7th, 1806.

JOHN E. REDMAN."

JOHN EVANS had taken offence against me in 1802 or 1803—In 1804, finding I could not pre-

and requested him to accompany him and Ellis Yarnall, on a visit to me; but he did not choose to encourage such improper conduct; and as a creditor of John Field's, he, among others, complains of his unjust conduct.

Caleb Carmalt, and Jonathan Willis.

• By the foregoing, it appears evident, that the complaint of John Field was relating to the trust business only; and it was so considered by the parties, as Caleb Carmalt and Jonathan Willis, the two overseers, did not call on John Evans, he having apprized them of the nature of the business, and that he held his civil rights in high estimation. Their declining the visit is also proof of their so considering it. ED.

vail on him to do any thing reasonable, I entered a complaint to the overseers, in writing, as I believe, but I cannot find it—It was, that he had circulated false and scandalous reports injurious to me—I consider him amenable to Friends for defamation—The overseers would not take cognizance of the article relating to the trust—I believe that Evans was apprized of this—I have no doubt of it—The overseers took a great deal of pains, but could not prevail upon John Evans to refer the matters in variance, relating to the scandalous reports, to three indifferent men—Finding the overseers could do nothing, and as he was an old man of an extraordinary disposition,* and also on the suggestion of Richard Humphreys, I thought it better to suspend the matter—I took back the complaint and the papers that had been exhibited to the overseers—It lay over

* John Field, at whose instance the controversy between the plaintiff and defendants originated ; and opposed to John Evans as the acting trustee to his estate, by detaining important papers relating to the same ; now comes forward and declares to the pretended defamation of his character ; though nothing was ever alleged against him by John Evans, but what was fully warranted by truth and common opinion. The declaration of facts could not possibly be considered defamatory, by any other man than John Field ; and he himself acknowledges, that their cogency, though he imputes it to the *extraordinary disposition* of the *old man*, was clearly evident against him ; on which account he was content to withdraw the complaint he made, and took back the papers that had been exhibited to the overseers, *and it lay over about two years*, which confirms the statement given of this subject in the narrative (as we find in page 15) of being finally settled.

Perhaps it would not be amiss to mention, that the extraordinary disposition of this old man, of whom John Field so contemptuously speaks, led him to make the following remark to the preparative meeting committee when at his house, which can be proved ; Friends you are wrong, the meeting is wrong, collect money for John Field to aid him in business, and call upon me, and I will not be behind any of you in my subscription.

ED.

about two years—I found that he continued the practice of spreading false reports, and I then exhibited a complaint in writing—Two days before this I had urged to have a meeting—It was then laid before the preparative meeting—I still urged including the trust business in it; but the overseers declined it—The complaint was handed forward to the next preparative meeting—I did not attend the meeting when it was introduced—A committee was appointed, who reported to the next preparative meeting—An addition was then made to the committee—When it was enlarged, they called on me before they went to see John Evans, as some of them told me, to get information on the business—The committee went to get Evans to meet me—Two or three months after, as *the business lagged, I attended the preparative meeting*—Finding that Evans could not be prevailed upon to meet me, I did not pursue the business any further.

Samuel Bettle affirmed—I attended at the preparative meeting on the 25th December, 1806; Dr. Griffiths said that John Evans was sick—I mentioned to the meeting that I supposed it was an illness of long standing—I did not see it was likely to be soon over—Dr. Griffiths mentioned the particulars of his present indisposition—Richard Humphreys said, that he thought the matter should not go on—I agreed in consequence of Griffiths's communication; the facts of which, I was ignorant of, and it was the general sentiment of the meeting not to go on—I have no memorandum of what passed—The business was deferred, that the committee might investigate the conduct of the overseers in all its parts, and they were to inform Evans of it—This was done after Redman went away—I do not recollect that Elijah Waring was at the meeting of the 29th of January, 1807—A person accused may go to the preparative meeting, and take a part if he pleases—

The overseers are to inform the individual that at such a time his case will be taken to the preparative meeting—I have no distinct recollection of such a case having occurred—By the “Book of Discipline” page 35, after a charge is entered on the minutes of the monthly meeting, the person accused is excluded from sitting—In all cases a complaint goes through the preparative meeting, before it comes to the monthly meeting—If the person complained against, is within any exception, he could not be obliged to refer, but might go forward to the preparative meeting, and complain to them against the overseers—*We never contemplate an abuse of power*—At the meeting when Field attended he was silent.

Robert Smith, junr. affirmed—I was present when John E. Redman complained of the overseers. One of them requested an investigation into his conduct. This was Ellis Yarnall. I cannot say whether this was before Redman went away. I believe it was before. I think Redman remained during the whole time. I think it was pretty soon after he made the charge, but I cannot be certain. I have some recollection that Redman left the meeting before it closed.

THE following letter from the assignees of John Field and John Field & Son to John Field to desire him to deliver to John Evans, all the papers respecting the lands, &c., was then offered in evidence by the plaintiff’s counsel, and objected to by the defendants’ counsel, and after argument admitted by the court. It was proved to be a true copy by John E. Redman.

(Copy.)

“Philadelphia, April 18th, 1806.

“THE assignees of John Field and John Field & Son desire John Field to deliver to John Evans

all papers relating to the lands contained in the assignments made to them. It is also their wish, that he would give them general information in writing, respecting the circumstances attending them, as it will aid them in arranging the business, and be assured the general benefit of the concerned shall claim their attention.

(Signed) JOHN EVANS,
ROBERT SMITH,
PHILIP NICKLIN,
THOMAS CLIFFORD.

John Field.?"

THE following deposition was then read:

SUPREME COURT OF PENNSYLVANIA.

John Evans v. Ellis Yarnall et al.

“ JOHN HARRIS, a witness produced on the part of the plaintiff, in the above cause, being duly sworn, doth depose and say, that in the fall of the year 1806, the trustees to the estates of John Field and John Field & Son, requested him to act as an agent for them in those trust estates, and desired him to call on John Field to obtain from him all papers in his possession, relating to that business, and particularly to the lands assigned by them to the trustees, in order that when said papers were obtained, the deponent might act as their agent; and, agreeably to their instructions, ascertain by actual examination the value, situation, and circumstances, attending of said lands, that the trustees might effect a sale of them.

“ THAT agreeably to their request aforesaid, the deponent twice called on John Field, and informed him, that by request of the trustees he came in order to obtain the papers relating to the trust estates; that he might consider of the propriety of his proceeding

to act as their agent ; but John Field refused to deliver them. And in order to accommodate the business, the deponent agreed that if he would give the papers into his hands, he would hold them subject to the joint direction of the trustees, in conjunction with John Field, and that if nothing could be done unitedly, he would deliver them back to him ; but John Field would not accede to this proposition.

“ THE deponent informed John Field, that John Evans desired him also to mention, that if he would deliver the papers relating to the trusts, he was willing to see and converse with him at any time and place, on friendly terms ; and that John Evans had no animosity against him the said John Field.

“ JOHN FIELD replied to all these remarks, that he would not consent to let the papers go out of his hands, without the trustees would pay his account ; but which account he did not produce to this deponent, as he recollects, though he showed him a considerable number of papers relating to the lands.

“ ALTHOUGH the trustees had drawn a rough copy of the power of attorney, constituting the deponent their agent, in the trust business, yet several months having elapsed, and finding his endeavours to obtain the papers from John Field to be fruitless, and that it was totally impracticable for him to procure them, he informed the trustees, with some of whom he had frequent conferences on the occasion, that John Field would not deliver the documents ; and that of course he could not determine how to act in the business.

“ THE deponent further saith, that it appeared to him to be the wish and desire of the trustees, that every necessary information relating to the lands should be obtained and clearly expressed, that a candid open sale of them might be effected to the best advantage, and for the proper execution of the duties

incumbent on them as trustees. And it also appeared to this deponent, that the said trustees, and particularly John Evans, were and was fully and sincerely disposed to allow John Field all the advantages which he could possibly derive from a purchase of the lands intrusted to them, so far as was consistent with their trust.

“THE deponent being further examined, says, that Mr. Robert Smith and Mr. Thomas Clifford were dissatisfied with Mr. John Field’s being agent for his estate and that of John Field & Son, as well as John Evans, on account of his general character.

JOHN HARRIS.”

“*Sworn and subscribed before me the 26th May, 1808,*

ROBERT WHARTON,
Mayor of the city of Philada.”

“AGREED to be taken and read in evidence on the usual terms, saving all legal exceptions,

JOHN HALLOWELL,
for Defendants.”

THE evidence here was closed, and Mr. Levy for the plaintiff, Messrs. Rawle and Lewis* for the

* William Lewis, Esq. one of the defendants’ counsel, in pleading upon the evidence before the court and jury, took unwarrantable liberties with the characters of the plaintiff, on whom he poured the most virulent abuse, as being a man, who, in making opposition to the defendants, had committed an outrage upon the Christian religion, by refusing to comply with (what he termed) his duty, to the order of the Quaker society. And particularly referred to that passage in the New Testament on which they founded the discipline. Mat. 18th chap. 15, 16, and 17th verses. “If thy brother shall trespass against thee, &c.”

On the morning of the last day of the trial, Thomas Stewartson and Jonathan Evans, acting as a committee on behalf of the society, called on Jared Ingersoll and Edward

defendants, and Mr. Ingersoll for the plaintiff, severally addressed the jury, after which the following charge was delivered to the jury by judge Brackenridge:

The following is the charge which was delivered by judge Brackenridge to the jury, on the 26th of November, A. D. 1810.

AS to the trespass, alleged in this case, the substance of it is the entering into the dwelling-house of the plaintiff against his will. If the testimony is credited, it will follow, that the dwelling-

Tilghman, Esquires, two of the plaintiff's counsel, one of whom, was to conclude the argument, and to them declared their decided disapprobation of the manner in which William Lewis, Esq. had treated the plaintiff; desiring them to mention to the court in extenuation of the conduct of their attorney, (Lewis) that they reprobated such proceedings against the plaintiff.

Instead of calling on the plaintiff's counsel, had their professions towards the plaintiff been sincere, they would have called upon their own counsel, and openly avowed their disapprobation before the court and jury, and plaintiff; but like all their other proceedings, they acted in secret, and suffered those unjust impressions against the plaintiff to lay upon the minds of the jury, until accident should discover their disapprobation of their counsel. And when we reflect, that this silence was a tacit submission to such proceedings, as being approved by the defendants, with other circumstances, which gave a colouring to the abusive language used on this occasion; such as the attendance of many hundreds, members of the Quaker society, many of them active and influential characters, and the attempt to discharge the men defendants, must have had great weight with the jury, particularly as the plaintiff had no knowledge of any of them but two, one of whom he was not acquainted with, and was not intimate with the other.

From previous circumstances, joined to the interested views of Thomas Stewartson and Jonathan Evans, on this occasion, the plaintiff verily believes that they in conjunction with Nicholas Waln were of the committee appointed by the meeting of sufferings, to advise and assist the defendants. ED.

house of the plaintiff has been entered against his will; and, if so, by that act alone, the trespass is complete. For, the authority under which it was pretended to be made, being founded in consent, that consent not existing, it cannot be a lawful act. The lawfulness of visitation must depend upon the condition that there is a willingness to receive it. A willingness on the part of the wife would not make it lawful to enter the dwelling-house of the husband, *he*, being unwilling; for, she is not the owner of the house.

ALL property, during the life of the husband, is in him alone; so that, in this case, had the wife been willing to receive the visit, it would not have authorized it against the will of the husband. But, does not the evidence go to show it to be against the will of both?

BUT, though we may find it to be unavoidable to consider the entering the house *a trespass*, yet, taking the persons and the motives into view, it might be considered light. Taking the persons and the motives into view, it might doubtless be so considered.

BUT, taking the authority into view under which it was justified, it might receive great aggravation. It is not the feeble hand, or the tender foot, that we are bound to look at alone, but the power which was avowed as directing these. Nor, in looking to this, is it necessary, or even possible, to rest at the *women's meeting*, from whence the deputation more immediately came. For, as to the members of a collective body, the acts of one in a society capacity, being the acts of all, it must be construed the domiciliary visit of *the men*. In this point of view, it acquires a greater moment.

THE plaintiff in this case, in order to preclude all implication of assent, arising from membership, has shown his resignation. And, although it was not necessary to constitute the entering his house a

trespass, yet he has shown a resignation by his wife, and even an express prohibition by both. An act of resignation of membership carries with it a presumption of dissatisfaction of some sort with the body. For, a resignation cannot be considered but as foregoing great advantages. The resignation in this case carried with it a declaration of dissatisfaction with the administration of the discipline. But, a presumption of law existed in favour of the defendants, that every act of theirs in the case of the plaintiff was according to *discipline*. Not resting on this presumption, the defendants were willing to throw themselves open to an examination of it. This rendered it competent for the plaintiff to join in the examination. It is then made a matter of moment, supposing a trespass in the entering the house, to inquire whether the proceedings which led to the resignation, were according to *discipline*.

By the administration of *discipline*, we must understand, not so much the form of proceedings, as the substance of justice. If it shall appear that there has been injustice done, and reasonable ground of dissatisfaction, thus given to the plaintiff, occasioning his resignation, the defendants are answerable for the injury sustained in being reduced to the necessity of excising himself from that body. If it shall appear that the influence of an individual has been at the bottom of the injustice done, it assumes the character of intentional wrong; for, favour and affection to one cannot but carry with it *tyranny* and *oppression* to another. Should this be the unavoidable inference in this case, it will warrant the laying a heavy hand. But, as to this, it being a matter of fact, I leave it wholly to the consideration of the jury. It is peculiarly their province, and it would be impossible for me to render any assistance in the examination, unless by going at length into the evidence, written and verbal.

which has been offered in the case, and which after the minute discussion of the counsel, it is unnecessary to do.

You will have the written evidence with you, the *depositions* excepted, which can go only by consent; and you will have it in your power better than I have had to compare and draw a conclusion. It is therefore left with you.

THE jury retired on the 26th day of November, and on the next morning brought in a verdict for the plaintiff.

DAMAGES half a cent and no costs.

APPENDIX.

HAVING in the preceding pages exhibited to the reader a view of the controversy between John Evans and others, members of the religious society of the people called Quakers, in Philadelphia, we shall now, for the information of those unacquainted with the proceedings of that society, devote a few pages towards this subject, in which we shall briefly delineate some interesting features in their general history; and in particular the origin of their moral code, or rules of discipline, and the first institution of the meeting for sufferings.

PREVIOUS, however, to entering on these subjects, we will take a view of the state of the nation, at the time when the Quaker society originated. Almost all Europe, and in particular Great Britain, was convulsed by civil and religious contentions, which terminated in open hostilities between the king and parliament.

THE multiplication of religious controversies, about this time, were prevalent; and hence arose animosities, and the consequent introduction of various religious opinions, and modes of worship, whose professors were called protestants.

It was about this time George Fox, the founder of the Quaker sect begun his ministry.* He was a man of strong mind, and possessed considerable natural abilities. The first essays in his ministerial

* Vide Sewell's History, page 24.

office were to testify against oppression and dishonesty; exhorting the magistrates to justice, and right judgment, &c. From these beginnings, he gradually advanced to a wider sphere of action. He travelled much throughout England, and in various other countries. He attracted considerable notice, as a man of singular turn of mind, and who, in an especial manner, preached, "The grace of God that bringeth salvation, &c., and the Divine inspiration of the Holy Spirit."

HE made many converts in his own and other countries. Many who were convinced by his doctrines, were men of erudition and competent to the promulgation of his religious opinions, to the great increase of their religious community.

AFTER having converted many, George Fox, towards the latter part of his ministry, began to institute meetings whose particular province it was, to assist indigent members of the society, and generally to superintend and relieve the necessities of each other.

THE first yearly meeting held in the society, was at London, in the year 1669. At this time no mention is made of any discipline; nor did the business of the yearly meeting consist in the enactment or enforcement of any rules whatever.

THE first institutions of women's meetings,* of

* The religious tenets preached by George Fox, were peculiar for admitting women to the ministry, and to other offices in the church. He was led to believe that they had an equal claim with the men, to all the advantages which the gospel dispenses; and under this belief, he instituted meetings, called monthly and quarterly meetings, for the women to exercise their offices in spiritual matters, over their own sex, and as helpers to their brethren in the general affairs of the church.

Considering, therefore, as George Fox did, that the women had equal claims with the men, why are they confined, as though subservient, only to certain limitations in church mat-

which we have an account, in Sewell's History, page 522, was in the year 1665. The pestilence which prevailed in England had swept away many thousands of its inhabitants; and among the other objects of compassion, were widows and orphans of the society. To assist the men in their charitable designs, several grave and solid women were called on for this service; and they met once a week at London: which in time, gave rise to the women's monthly meeting.

SEVERAL quarterly meetings, it appears, were at this time established; but no mention is any where made, of any prescriptive rules being adopted in the affairs of the church.

So early as in the year 1656, several zealous professors appear to have deviated from the boun-

ters? If they are, as George Fox declares them, then they have a right to participate in the enactment of discipline; and in the general government of the society; but from which, without adducing any proof of exception, they are excluded and disqualified by the discipline.

They have no authority to disown a member of their own sex; nor can they proceed to hear appeals from them, in their quarterly or yearly meetings. The men considering themselves superior in judgment, do in these cases monopolize the rights and privileges of the women, contrary to the letter and spirit of George Fox's testimony on this subject.

We have authority to say, that until a few years ago, in London, the women had no yearly meeting; because being excluded from the right of legislation, they could have little or nothing to meet about; yet in order to address epistles to other women's meetings, a few sensible women met yearly in a chamber, and there performed this vocation; which, in the course of time, became more general, and was open to the admission of others under the same regulations (by representation) as the men; but which, on account of their exclusion from all interest in legislation and the hearing of appeals from their own sex, must be considered as a pompous parade, without any object of real importance in view. The women's meetings in the United States are conducted upon the same principles, having no right to legislate, or hear appeals, &c.; but are subordinate to the men's meetings.

dary principles of the society, and to have run into the greatest extravagancies in their zeal for plainness and primitive simplicity. Some of those (justly denominated) *fanaticks*, published books, in which; for *plainness*, not one capital letter was to be found! One of them in particular, as Sewel mentions, among other pretensions to economy, used a *split stick* instead of tongs, &c. ! used also, the expressions, "My spirit testifieth," on common as well as on extraordinary occasions, by which he gave much offence to his brethren; they not approving of the pretension to distinguish by the spirit.*

It appears that until the year 1666, being near twenty years after the first rise of the society, there were no monthly meetings established.† At this time, the increase of the society and the troubles to which the members were much subjected by the government, induced George Fox to recommend the establishment of monthly meetings; there being, as he says, in his journal only quarterly meetings. It was the peculiar design of these meetings to admonish and exhort those who were disorderly, &c. But it does not appear that any discipline existed by which the monthly meetings were invested with any authority, other than that which experience and solidity gave to the members of it.

FIVE of those meetings were first set up in London in 1666, and afterwards throughout various parts of England. Much opposition was made to these meetings, as appears from G. Fox's journal, but which is particularly commented upon in the preface to that work by William Penn. We find that many active, and, perhaps, influential members, opposed the erection of those meetings, on the ground of its being a direct establishment of church

* Vide Sewel's History, p. 158.

† Fox's Journal, p. 390.

influence, from which might be justly apprehended too much of that unsavoury power which they had often tasted. They contended that the erection of such tribunals, was a deviation from the original design; inasmuch as every member had been taught to believe, that having the *principle* in himself, he should be judged by it alone on the tribunal of his own heart, according to the manifestation of light and grace, wherewith he had been clothed. And that no human authority, could interfere with CONSCIENCE; whether under the pretext of spiritual or civil government. This doctrine, which had been preached by the apostles, and which George Fox had no less fervently promulgated, was a feeble effort in the opposition to a favourite object; an object which distinguished by preeminent authority many of its advocates, by investing them with offices of power and influence. William Penn thus speaks upon this subject, "So this man of God had his share of suffering from some that were convinced by him, who through prejudice or mistake, ran against him, as one that sought dominion over conscience." Thus then we find, that though the Quakers had been persecuted and aggrieved for their dissent from the established worship, and had declaimed with much zeal against the formalities of religious government, as being innovations upon the rights of conscience, yet in the very midst of persecution, and having scarcely freed themselves from previous existing embarrassments, they adopt the same measures towards each other, by the introduction of church government, and in opposition to the conscientious belief of many of their fellow members!

WE will now inquire into the authority under which it was pretended to be justified: and here we must confess, that in the first establishment of church government, we do not find that any pretensions at all were laid to the authority of scripture, in support

or justification of it. Had it been so, George Fox would himself have given some outlines by which it might have been recognized as emanating from gospel authority,* but he does not; and his silence on this subject must be considered as disclaiming any thing of the kind. If, therefore, the first founder of the Quaker sect, did not advance any testamentary authority in justification of the right of discipline; and the expediency of church government, with what new accession of wisdom, or more intimate acquaintance with the principles of christianity, do his successors lay claim to the command of Christ, as concerning the government of the church, on which they build the assumption to excommunicate? Where, and by what text or declaration, are we to understand the right of excommunication, as having been given by Christ or his apostles? Is it in the following? "Who art thou that judgest another man's servant? To his own master he standeth or falleth." Rom. xiv. 4. Do we observe it in this? "But why dost thou judge thy brother? or why dost thou set at nought thy brother? For we shall all stand before the judgment seat of Christ." Rom. xiv. 10. Or do we discover any thing like it in this? "I wrote unto the church: but Diotrephes, who loveth to have the preeminence among them, receiveth us not; Wherefore if I come, I will remember his deeds which he doeth, prating against us with malicious words; and not content therewith, neither doth he himself receive the brethren, and forbiddeth them that would, *and casteth them out of the church.*" John, iii. 9, 10. "O foolish Galatians, who hath bewitched you, that ye should not

* "And the Lord opened to me what I must do, and how the men's and the women's monthly and quarterly meetings should be ordered and established in this, and in other nations; and that I should write to those, where I came not, to do the same." Fox's Journal, p. 391.

obey the truth, before whose eyes, Jesus Christ hath been evidently set forth crucified among you? This only would I learn of you, received ye the Spirit by the works of the law, or by the hearing of faith? Are ye so foolish? having begun in the Spirit, are ye now made perfect by the flesh?" Paul to the Gal. iii. 1, 2, 3. In none of the above are we able to discover the right of discipline, much less, of excommunication; on the contrary, it is forbidden as unchristian. Where then, are we to seek it? Is it discoverable in the writings of the four evangelists? Is it recorded among the precepts of Christ? No! no! It is a doctrine directly the reverse of all Christian doctrine, and such as Christ never promulgated.

IF no other evidence could be gathered from the New Testament than recorded in the 13th chapter of Matthew, verses 24, 25, 26, 27, 28, 29, 30, wherein is exemplified, by the parable of the tares and the wheat, the charitable and forbearing temper of Christianity, we apprehend that no claim could be laid by any society of Christians, to the right of excommunicating, without violating the fundamental principles of this pure and holy religion. The interpretation given by our Lord to this parable, though sufficiently clear in itself, puts all pretence to construction beyond the possibility of mistake.

AGAIN, Chap. 7, verses 1 and 2, "Judge not, that ye be not judged: For with what judgment ye judge, ye shall be judged: and with what measure ye mete, it shall be measured to you again."

How then, after having judged and executed judgment upon our brother, can we lift up our hands in supplication to the Almighty, and say with Christ, in the language in which he taught us to pray: "Forgive us our debts, *as we forgive our debtors,*" when our conduct necessarily excludes the forgiveness for which we supplicate, and renders condemnation in its stead?

How truly applicable to such, is the parable of
 “A certain king, which would take account of his
 servants. And when he had begun to reckon, one
 was brought unto him, which owed him ten thou-
 sand talents: But forasmuch as he had not to pay,
 his lord commanded him to be sold, and his wife
 and children, and all that he had, and payment to be
 made. The servant therefore fell down and wor-
 shipped him, saying, Lord have patience with me,
 and I will pay thee all. Then the lord of that ser-
 vant was moved with compassion, and loosed him,
 and forgave him the debt.—But the same servant
 went out and found one of his fellow servants which
 owed him a hundred pence; and he laid hands on
 him, and took him by the throat, saying, Pay me
 that thou owest. And his fellow servant fell down
 at his feet, and besought him, saying, Have patience
 with me, and I will pay thee all. And he would
 not, but went and cast him into prison, till he should
 pay the debt. So when his fellow servants saw what
 was done, they were very sorry, and came and told
 unto their lord all that was done. Then his lord,
 after that he had called him, said unto him, O thou
 wicked servant, I forgave thee all that debt, because
 thou desiredst me: shouldst not thou also have had
 compassion on thy fellow servant, even as I had pity
 on thee? And his lord was wroth, and delivered
 him to the tormentors, till he should pay all that was
 due unto him.”

CHRIST has, therefore, by the most energetick
 language, expressly commanded all that profess his
 name, to love one another; and to this end he has
 spared neither precept nor practice, as an incitement
 to his followers. Whence then do we infer the
 right of discipline, and with it the right to excom-
 municate?

IF discipline, as a moral restraint, be necessary
 among the members of a religious society, let it

appear upon fair and honourable ground. Let the authority by which it is justified be made evident. But if in the will, and by the traditions, of men, we attempt to teach for *doctrines*, the commandments of men, it is time that investigation should discover the deceit, and free the divine religion of Christianity from its greatest enemy.

THE following passage is quoted by the Quaker society, as the ground of all their discipline,* and on it, they have erected a fabrick, which they call by various titles, under one common head. Thus then they make the following declaration subservient to the views of power, ambition, and prejudice, under the pretence, that as Christ gave forth this fundamental rule, all others emanating from it are presupposed and necessarily included. “ Moreover, if *thy* brother shall trespass against *thee*, go and tell him his fault between *thee* and *him* alone; if *he* shall hear *thee*, *thou* hast gained *thy* brother. But if *he* will not hear *thee*, then take with *thee*, one or two more, that in the mouth of two or three witnesses, every word may be established. And if he shall neglect to hear them, tell *it* unto the church: but if he neglect to hear the church, let him be unto THEE, as

* Notwithstanding the pretensions of the Quaker society to divine authority, in the establishment of discipline; notwithstanding their pretension to be guided by the infallible spirit of truth, in the formation of it, they do themselves testify by their conduct, to its fallible and corrupted nature, which would not be, were their pretensions well founded.

First. It is subject to alterations, amendments, and additions. It is sometimes acted on for many years, and receives in due course many alterations and additions. It is then abolished altogether, and a new one framed; which undergoes the same improvements, and is again abolished.

The former Book of Discipline existed about ten years. The present Book was framed only four years ago.

Secondly. It is kept by its administrators, and, though printed, is not suffered to be circulated amongst the members generally. “ *The tree is known by its fruits:*”

an heathen man and a publican. Mat. xviii. 15, 16, 17.

HERE then we have the groundwork of Quaker discipline. How far their application of the text is consistent with the letter and the spirit of it, remains to be investigated.

IN order to this, I will here state the construction of the above text, as adopted and practised universally by the Quaker society.

IN case a member is complained of, the discipline directs the complaining member to use his own exertions towards effecting a reconciliation. If this fails, he is at liberty to call on the overseers of the monthly meeting, to represent the fact to them, and they in a meeting capacity call upon the party accused. If this fails, the overseers represent it to the meeting, and a committee from the meeting proceed for the same purpose. If this fails, the member complained of IS EXCOMMUNICATED FROM MEMBERSHIP IN THE SOCIETY, *and cannot be again admitted, until he makes an acknowledgment of his error.* And thus in all other cases.

Now this method, and the consequences resulting therefrom, is obviously changing the ground. The church becomes the *party*, and, taking upon herself, the authority thus delegated to the individual complaining, proceeds to excommunicate the member complained against, without considering the unwarrantable power she thereby assumes, in contravention of the fundamental rule, laid down, not by an individual, or individuals of that society, but by Jesus Christ, the great head of the Christian church, whose precepts she acknowledges, and whose doctrines she professes to follow!

I HAVE already shown, that the spirit of Christianity, is love and forbearance, and by its own nature opposed to forms and ceremonies, in which originate those principles, so subversive of charity,

meekness, and patience, the essence of Christianity. Principles which have introduced into their stead, the commandments of men, called *discipline*. It cannot, therefore, be according to the Spirit, that the right to excommunicate is constructively drawn from the text; neither is it by the mere misconstruction of any particular word or sentence alone, by which this error is admitted. For we find that the society have correctly quoted it, and on that quotation add their own sense of the presumptive meaning and intent of the text, against the authority of all the gospel writings, and the clearest deductions of evidence incontrovertible, as well as the letter of the text; and this has continued for a century, to the manifest injustice of many thousand individuals, who were valuable members of society, but who have been cut off from the immunities of religious membership, not by any immoral act of their own, or contrary to the laws of the government, but by the nature of discipline founded in error and in injustice.

I SAY then, there is no authority for a spiritual interpretation of the above passage in relation to offences; nor does the letter of the text at all warrant the right to excommunicate, because no such liberty is granted. It cannot be supposed that in matters of momentous importance to his church, Christ would have been deficient, or obscure in delivering doctrines, on which rested the justification of the church in the method of discipline; or that he should so far neglect her welfare, as to leave her unguarded; where, therefore, he hath been silent, there I apprehend nothing.

BUT as regards this rule, on which the Quakers found the right of disownment, he seems to have viewed the necessity of excluding an evil so pregnant with dangerous consequences, and as though in anticipation, he imparts to his church his sentiments on so important a subject.

HE explicitly tells the offended, the mode of obtaining redress; but if from circumstances, whether his own exorbitant disposition, or the obstinacy of his offending brother, he is unable to obtain satisfaction, he must continue to bear a lesser evil to enjoy a greater good. "Let him be unto *thee* (not to the church) as a heathen man, and a publican;" that is, thou art at liberty to disclaim all connexion with him, and though he may speak against, and evil entreat, thee, yet thou hast done thy duty, and hast the approbation of thy own conscience.

FOR a society, a combination of individuals (the church) to vest in themselves, a power, belonging, of right, to only one individual, and to strain and extort the language of the text, in support of the assumption, is a logick inadmissible, because untrue.

THE whole tenor of the gospel dispensation, and the mission of its Divine Author, breathe peace on earth and good will to men. How then can men (especially the highest professors in the Christian school) under evidence so indubitable, in opposition to the sense of language, and the general character of Christ, conspire to pervert, and twist to their purposes, a declaration made with the express design of preventing a misapplication of his doctrines.

HAVING given some general outlines of the origin of the Quaker society, and the institution of their discipline, I now turn to the MEETING FOR SUFFERINGS, as being the grand confederation or concentrated power of the society; the consideration of which, will, perhaps, excite considerable interest in the publick mind.

IN the year 1709, the yearly meeting for Pennsylvania and New Jersey first adopted the plan of taking cognizance of the sufferings of their members for military services, &c. It was at that time agreed that the several quarterly meetings, composing the yearly meeting, should "bring in an account of all

sufferings that have been, or may happen amongst them, &c. that it may be done yearly; unto which, the meeting agrees and recommends the care thereof to the respective quarterly meetings."

FROM this time, until the year 1755, there does not appear to be any report made on the occasion. But in this year, a proposal was laid before the yearly meeting, by which twelve members were appointed to constitute a committee on the subject of "SUFFERINGS;" and it was recommended to the several quarterly meetings, that four members should be appointed by each, who, in a collective capacity should constitute a meeting for sufferings.

IN the year 1757, the meeting for sufferings reported to the yearly meeting; and it was agreed that they should be continued, as the proper representatives of the society, to act in its behalf as necessity might require.

HERE then we find the origin of the meeting for sufferings, and the object of the association, which continues to the present day. We will now proceed to examine the general character and merits of this institution.

THE term "*sufferings*," by which this body is distinguished, implies a degree of oppression and persecution, which may be supposed to prevail as the cause of the association. But as the members of that society, enjoy in common with their countrymen the blessings of a wise and liberal government, where neither oppression nor tyranny, whether civil or religious, can possibly exist (except in the administration of that society) it becomes a matter of importance well worth investigation, to know the principles and policy of an institution, which, under a republican government, assumes a name so reproachful to the liberal principles of republican legislation! With this view, I shall endeavour to examine the merits of it.

IN the formation of the meeting for sufferings, the yearly meeting sends twelve members as their representatives; and each quarterly meeting, belonging to the yearly meeting, sends four members. The members thus selected are nominated by committees, and the body of the society have no choice by vote; all business being concluded by the influential members only. And in all appointments to office, whether in the yearly, quarterly, or monthly meeting, the same mode is universally practised.

THERE, being a meeting of ministers and elders, many of the members of which, are also members of the meeting for sufferings; of course, the influence of the latter is greatly increased and pervades throughout every branch of the society.

THE following is the order of representation to this meeting:

<i>In, and near the city of Philada.</i>	}	12 membs.	
<i>according to the original design</i>			
<i>Philadelphia</i>		4	
<i>Abington</i>		4	
<i>Bucks</i>		4	
<i>Chester</i>		4	
<i>Western</i>		4	
<i>Southern, comprizing Delaware</i>	}	4	
<i>and part of Maryland</i>			
<i>Burlington</i>	}	for New Jersey,	
<i>Haddonfield</i>			4
<i>Salem</i>			4
<i>Shrewsbury and Rahway</i>			4

consisting of *fifty-two* members, selected from each of the quarterly meetings above mentioned, within the jurisdiction of the yearly meeting of Philadelphia.

THE influence of so considerable a representation must undoubtedly be great. They not only regulate the affairs of the yearly meeting in common with the

other members; but collectively, by the influence of their situations, they digest and arrange matters previously, by which, when we consider that weight and influence govern their proceedings, their own plans are carried into effect! Acting in all these capacities, the meeting for sufferings, is to be considered as representing the religious and temporal rights of the society.

ALL the members of this body are chosen for an indefinite period; and many instances occur, of membership continuing for twenty, thirty, and forty years! by which means they become familiarized in their office, to the great danger of the religious community, whom they represent, and to the community at large.

IT is a principle admitted by civilians, that the long exercise of an office, creates an independence in the officer, and is liable to introduce tyranny, so destructive of the liberties of those over whom the authority is exercised. Hence the necessity of frequent changes in the administration of government, to preserve due subordination and dependance in its various branches, for the good of the whole.

ALL offices, therefore, which are beyond the control of general authority, are founded upon dangerous principles, and cannot but be destructive of the liberties of the subject.

AND, when we consider, that in addition to the temporal rights of citizens, their religious freedom also depends upon the disposition and control of an independent aristocracy, it cannot but be admitted that the danger is still greater, and more destructive of the liberties of the subject, than that emanating from the temporal only.

THUS then the very nature of the meeting for *sufferings*, is of necessity dangerous to the members over whom their jurisdiction extends! But not only the nature of it, the principles which characterize it, are equally so.

Is there any publick act to be done by the society? The meeting for *sufferings* frequently anticipate the sentiments and monopolize the privileges of the members by a premature decision! Is the discipline to be revised and corrected? The meeting for *sufferings* canvass the matter amongst themselves; and as their opinion is, so is their influence in a private capacity! In fine: Is any thing of importance to be transacted in relation to the society? The meeting for *sufferings*, assuming its accustomed preeminence, can either suppress it altogether, or carry it in opposition to the majority! And this cannot but continue, so long as influence is suffered to preponderate; which the voices of a thousand would not equipoise!

WE have in evidence, authorities, which show, that the dangerous principles of this combination have appeared.

So early as in the year 1775, the meeting for *sufferings*, acting as the representatives of the Quaker society, not content with that neutrality which their profession and principles impose, proceeded to considerable lengths, in making opposition to the principles of the revolution, by issuing the following paper to the members of the society:

“ The testimony of the people called Quakers, given forth by a meeting of the representatives of said people, in Pennsylvania and New Jersey, held at Philadelphia the 24th day of the 1st mo. 1775.

“ HAVING considered with real sorrow, the unhappy contest between the legislature of Great Britain and the people of these colonies, and the animosities consequent thereon; we have by repeated publick advices and private admonitions, used our endeavours to dissuade the members of our religious society from joining with the publick resolutions

promoted and entered into by some of the people, which as we apprehended, so we now find have increased contention, and produced great discord and confusion.

“THE divine principle of grace and truth which we profess, leads all who attend to its dictates, to demean themselves as peaceable subjects, and to discountenance and avoid every measure tending to excite disaffection to the king, as supreme magistrate, or to the legal authority of his government; to which purpose many of the late political writings and addresses to the people appearing to be calculated, we are led by a sense of duty to declare our entire disapprobation of them—their spirit and temper being not only contrary to the nature and precepts of the gospel, but destructive of the peace and harmony of civil society, disqualify men in these times of difficulty, for the wise and judicious consideration and promoting of such measures as would be most effectual for reconciling differences, or obtaining the redress of grievances.

“FROM our past experience of the clemency of the king and his royal ancestors, we have grounds to hope and believe, that decent and respectful addresses from those who are vested with legal authority, representing the prevailing dissatisfactions and the cause of them, would avail towards obtaining relief, ascertaining and establishing the just rights of the people and restoring the publick tranquillity; and we deeply lament that contrary modes of proceeding have been pursued, which have involved the colonies in confusion, appear likely to produce violence and bloodshed, and threaten the subversion of the constitutional government, and of that liberty of conscience, for the enjoyment of which, our ancestors were induced to encounter the manifold dangers and difficulties of crossing the seas, and of settling in the wilderness.

“ WE are, therefore, incited by a sincere concern for the peace and welfare of our country, publicly to declare against every usurpation of power and authority, in opposition to the laws and government, and against all combinations, insurrections, conspiracies, and illegal assemblies: and as we are restrained from them by the conscientious discharge of our duty to almighty God, ‘ by whom kings reign, and princes decree justice,’ we hope through his assistance and favour, to be enabled to maintain our testimony against any requisitions which may be made of us, inconsistent with our religious principles, and the fidelity we owe to the king and his government, as by law established; earnestly desiring the restoration of that harmony and concord which have heretofore united the people of these provinces, and been attended by the divine blessing on their labours.

“ *Signed in, and on behalf of the said meeting,*
 “ JAMES PEMBERTON, *clerk at this time.*”

THE interference of a religious society in this way, must appear evidently calculated to excite jealousy in the government; and had they not had some special friends, (Gen. Thomas Mifflin, Gen. John Cadwallader, Gen. John Dickinson, and others) who were brought up in, and severally connected with the society, and who acted as their friends to moderate parties, they would, perhaps, have severely suffered for it.

BUT, they did not rest here: the society still opposed the American government even after its establishment by the confederation of the States.

DISCIPLINE was made to disown any member who should obey the call of the government, by giving his allegiance to its authority: and in consequence many members of the first respectability and talents, who plead the rights of conscience as justly

as the composers of this obnoxious discipline, were excommunicated as unworthy of fellowship! And, it is here proper to remark, that by the constitution of the discipline, they cannot become members, without condemning the act for which they were disowned, though the condemnation would be the revocation of their fealty!

It would very naturally be supposed, that a religious society, making profession to the extent which the Quakers do, would "submit to every ordinance of man for the Lord's sake," &c. &c. ; but the contrary is sorrowfully obvious.

SOON after the adoption of the federal constitution, the Quaker society made discipline, by which any member who dealt in government securities, was subject to disownment; and though this discipline was a flagrant violation of the rights of citizenship, it was acted upon a short time, and then abolished.

MANY other instances clearly discovering the tyrannical and disorganizing principles of this association might be adduced; but we will seek no higher evidence in this particular, than is discoverable in the late action between John Evans and the overseers and others of that society, in Philadelphia. The meeting for *sufferings*, on behalf of the society, came forward in support of the defendants, in an action of trespass and assault and battery. In this case, they assumed to themselves the right of defendants as the representatives of the Quaker society, though it was an action between private persons, in which the society could not by any legal construction become implicated. By thus advancing their aid, and exciting the interests of their religious community, the plaintiff's cause was made to assume an importance which the nature of it did not warrant, as being an action against the whole of the society, in the persons of the real defendants. Thus

the influence of this association becomes auxiliary to the designs of the meeting, in their attempts upon the rights of an individual; by which no member is free from the impositions of their spiritual authority. Nor is the house any longer the castle, when its owner is enslaved, by the preponderating influence of an ecclesiastical tribunal! And though aggrieved and injured, he cannot obtain redress, but by contending against the whole of the society, who, stimulated by the meeting for sufferings, pursue the *hue and cry*, with unparalleled malignancy!

THE committee appointed by the meeting for *sufferings*, on this case, were active characters in the society: They were selected for their known perseverance in business of this nature. The influence of this committee, acting as the representatives of the society, joined to the influence of the real defendants, was an almost insurmountable obstacle to the rights of the plaintiff. We speak of their influence, because that alone was recognized. The secrecy in which they veiled themselves from the knowledge of the plaintiff, was truly characteristick of the general conduct of the society.

THE plaintiff was an old citizen, well known to the committee, and it would have been no disparagement to their office or character, to have informed him of their appointment; but the committee, secreting themselves behind the scenes, disdained to avow themselves openly, that by secrecy, the weapon of tyrants, they might strike a more fatal blow. One of the witnesses, Samuel Powell Griffiths, a member of the same body, declared on his solemn affirmation, before the court, that he did not know of the case having ever been introduced into the meeting for sufferings, though the committee had been appointed several years, which shows the secret manner in which this business was conducted.

o Thus combining the interests of the defendants

and the whole society, what were the feeble exertions of an individual, in competition with the skill and power of the defendants and their auxiliaries? What were the grievances of a plaintiff which could arraign so many hundred members of a religious society?

THE secrecy in which the business of the meeting for sufferings is conducted is such, that although they give a summary statement of their proceedings to the yearly meeting, the members of the society in general are not acquainted with particulars. And in the late action, it is probable, that as the business was not placed on their minutes, it was not intended to report to the yearly meeting.

THERE are five meetings for *sufferings* in America, to wit: one in New England; one in New York; one in Philadelphia; one in Maryland, held at Baltimore; and one in Virginia, comprehending the southern states. When we reflect that those meetings for sufferings hold correspondence with each other, and with subjects of foreign governments; and the tendency of a combination of such magnitude, both at home and abroad, we have ground to question the legality of their existence: and as their influence is not confined to mere spiritual authority, but interferes with the temporal rights of their members, by contributing, in a collective capacity, to impose restraints upon them, we have good ground to apprehend the baneful effects of this ecclesiastical preeminence upon the minds of the citizens. I say, considering the meeting for sufferings in the abstract, it becomes an important inquiry, how far it may be prejudicial to the government, and whether the nature and constitution of this association are not subversive of the temporal rights of the community at large.

WE can give examples of members of that society being disowned for serving in the general and

state governments. Has not this a tendency to check the sinews of a republican government, by imposing restraints upon their members, and depriving them of the right to participate in the common privileges of citizens? We have an instance exemplified in the preceding Narrative, of the opposition of the society to the rights of an assignee, and the penalty of exercising them! Does the society labour to extinguish civil government, and to introduce barbarism and savage ferocity?

GEORGE KEITH was not less zealous in his opposition to legitimate authority, and was distinguished for some of the principles which distinguish many of the leaders of the society in the present day, though for the professions he made he was severely reprobated by his brethren, and finally disowned!!

IF therefore in the time of William Penn, it was an incumbent duty to perform every service to the government, why is it now become a duty to withhold our services? Have Quakers no civil rights? Or is it because the government has changed, that as they cannot be supreme in every thing, they will make opposition to its exercise in all?

I HESITATE not to say, that the principles of William Penn, Robert Barclay, and other distinguished Quakers of former times, would not now be orthodox.—William Penn was governor and captain general of the province of Pennsylvania.—Robert Barclay was chosen governor of New Jersey for life. Both of them were men eminent for their publick virtue, as well as spiritual knowledge; and yet neither of them were too wise or too virtuous to sacrifice their civil rights, as being incompatible with their religious profession.

THE principles of modern Quakers revolt at that liberality which characterized their ancestors. They would rule collectively, but not in common with

others! And as they cannot be the masters, they refuse submission themselves, and deny to their members the right of private citizens!

To such unwarrantable lengths do they carry their aversion to what they call the *spirit of the world*, that in order to keep up a distinction, they act upon national questions in a society capacity, that they may not be confounded with *the world*.

THUS in the fall of the year 1807, the representatives of the Quaker society (the meeting for sufferings) on behalf of the yearly meeting of Baltimore presented an address to president Jefferson. We contend not against the merits of this address. It is the principle only from which emanated this proceeding, which we reprobate. If religious societies were to come forward in a collective capacity, (especially when great national questions are depending) the consequences might be hazardous to the peace of community. Politicks we know, agitate parties; and when the same principles are assumed by congregations, they must act with greater force and be more dangerous in their tendency.

WE will now give some evidence of the spiritual importance of George Fox, the founder of the Quaker sect, that the violent temper of the modern Quakers may be estimated in proportion to the accession of power and influence since that period. We give it principally as a specimen of their existing character and principles; and we apprehend it may be useful to some members of the society, who in the importance of self-approbation, may learn from this epistle the true characteristicks of themselves!

Extract from George Fox's Journal, p. 88.

“THE WORD OF THE LORD to thee O Lampit! a *deceiver, surfeited and drunk* with the earthly spirit, rambling up and down in the scriptures, and

blending thy spirit with the saints' conditions; who hadst a prophecy as *thy father Baulam* had, but art erred from it as thy father did. One whose fruit hath withered (of which, I am a witness) and many who have known thy fruit have seen the end of it, that it is withered; and do see where thou art, in the blind world, a *blind leader of the blind*; as a *beast wallowing and tumbling* in the earth, and in the lust; one that is erred from the spirit of the Lord, *of old ordained to condemnation*. Thou art in the seat of the pharisees, art called of men master, standest praying in the synagogues, and hast the chief seat in the assemblies; a *right hypocrite* in the steps of the pharisees, and in the way of thy fathers, *the hypocrites*, which our Lord Jesus Christ cried woe against. Such with the light thou art seen to be, and by the light art comprehended, which is thy condemnation, who hatest it, *and will be so eternally, except thou repent*. TO THEE IS THE WORD OF GOD; for in Christ's way thou art not; but in the way of the pharisees, as thou mayst read, Matt. xxiii *All that own Christ's words may see thee there*. Christ who died at Jerusalem, cried *woe against such as thou art*; and Christ is the same yesterday, today, and forever. The woe remains upon thee, and from under it *thou canst never come*, but through judgment, condemnation, and true repentance. TO THEE THIS IS THE WORD OF GOD. To that God in thy conscience I speak; which will witness the truth of what I write, and will condemn thee. *When thou art in thy torment*, though now thou swellest in thy vanity, and livest in wickedness, remember, *thou wast warned in thy lifetime*. When the *eternal condemnation is stretched over thee*, thou shalt witness this to be the word of the Lord God unto thee; and *if ever* thine eye should see repentance, thou wilt witness me TO HAVE BEEN A FRIEND OF THY SOUL!

(Signed)

G. F.

As has been already stated in the Narrative, p. 82, there are several publications in relation to the Quaker society, which show, that in England, as well as in America, the members of that society are enslaved by the intolerance of church discipline.

THE justly celebrated Dr. John Fothergill, a great friend to the United States and a useful member of the Quaker society, and who was not less conspicuous for his medical talents, than his private virtues, was involved in difficulty with his brethren in religious profession, as appears from the history of his life, by John Elliott, M. D. prefixed to his works.

“ To pass through life perfectly free from censure is the lot of few. Perhaps no man ever deserved it less than Dr. Fothergill; but an unfortunate dispute with a person of his own religious persuasion exposed him to the ill-natured reflections of many of his own sect, as well as of the publick at large. We shall easily make it appear that this obloquy was perfectly unmerited on the side of our authour.— The circumstances alluded to were as follow: In the year 1766, one Samuel Leeds, an illiterate person, who had been brought up to the trade of a brushmaker, was admitted by the university of Edinburgh to the degree of Doctor of Physick; and on his coming to London soon afterwards, being espoused by several leading persons, amongst the Quakers, was chosen Physician to the London Hospital. Soon after his election, one of his colleagues; in a conversation with Dr. Fothergill, happening to mention Leed’s success, the Doctor replied, “ Take care that he does no mischief.” It was not long before Leeds gave sufficient marks of his ignorance to alarm the governors; and what had dropped from so respectable a person as Dr. Fothergill might, perhaps, not a little tend to convince them of their pre-

cipitancy in electing a physician to their hospital, so unqualified for the duties of it. They therefore made a resolution, "that no physician should continue to officiate in that hospital, who had not passed an examination at the College of Physicians." Dr. Leeds now saw himself reduced to the necessity of either resigning his post in the hospital, or of presenting himself to the college: he determined to adopt the latter alternative, was examined and rejected. The Censors, with great candour, had advised him to postpone his examination another year, if he thought himself not sufficiently prepared, but he would not listen to their advice. The expression that had escaped our authour, with regard to this unfortunate person, having come to his knowledge, he made it the foundation of an accusation which was brought before his own society. These inoffensive people, who are averse to the litigious proceedings that vex and ruin so many of their fellow-citizens, referred the charge, after their usual manner, to a certain number of arbitrators. Five persons were appointed for this purpose, and three of the number awarded 500*l.* damages to Dr. Leeds, after refusing to hear Dr. Fothergill's principal evidence. The two other arbitrators, with great propriety, protested against the award; and after much altercation in the society, Dr. Leeds moved the court of king's bench to show cause why the rule for the recovery of the damages should not be made absolute. Lord Mansfield, after hearing the evidence and counsel on the part of Dr. Leeds, refused to hear Dr. Fothergill's counsel; because, he observed, the evidence on the part of Dr. Leeds's arbitrators was sufficient to prove the illegality and injustice of their own award: the learned and noble judge further added, that Dr. Fothergill did no more than his duty, in saying what he was charged with; and that he would not have acted as an honest man, had he said less. This he illustrated by a facetious story, in

which he had himself acted a similar part with a discarded servant.

“AMONG other services which Dr. Fothergill rendered the publick, one of the most important to the present as well as to future times, was the establishment of the seminary at Ackworth, in Yorkshire, of which he was the original projector, and to which he was a considerable benefactor.”

IT is only necessary to observe here, respecting this subject, that the truly respectable and pious William Rathbone, lately deceased, of the house of Rathbone, Hughes, and Duncan, merchants of Liverpool, was disowned by the society for publishing a book in relation to certain proceedings in Ireland; styled, “A Narrative of Events, &c.” And though in his case there was no lack of persecution and injustice, yet a long letter written by him in his defence, containing 54 pages in the printed memoirs, was read in the monthly meeting. Even this right is, however, denied in Philadelphia. In London, about twelve or fourteen years ago, during a time of great scarcity of grain, the Quakers were charged with the monopoly of that article. Publick indignation rose to such a height, that Quakers were apprehensive of danger in walking the streets. This induced them to publish a vindication of their conduct.*

THIS with various publications respecting them in Europe (see page 82) excited considerable prejudice against the society, and may be accounted one reason of the publication of a late work by Thomas Clarkson, intitled, “A Portraiture of Quakerism, &c.”† In this book much labour is bestowed to

* This information was derived from David Bacon, soon after his return from London, to which place he accompanied Nicholas Wain, on a religious visit.

† In the course of the author’s lucubrations, he has been led to attribute the reform in the Philadelphia prison to the influence and exertions of the Quaker society as principles.

do away impressions unfavourable to the general character and principles of the society; and as it appears that the author had free access to the documents and authorities requisite to constitute his panegyrick, it is not improbable, *that some particular aid was afforded him on the occasion.* We are willing, however, to allow him all the credit which he can possibly derive from it; and are by no means so illiberal, as to hazard any conjectures of the supposed authors!

THE narrator having closed his observations on the various subjects of this appendix, retires from the toils of authorship.

HE has not been actuated by censorious motives, nor has he aimed at the religious faith of the society. Had these been the governing principles of his conduct, he would not have dropped the pen, until he had analyzed them minutely both in character and conduct. He has forbore to quote from various authors, to support his positions. Guthrie and Hume he has not cited; nor have the disquisitions of authors out of the society been at all consulted. Nay, though some recent decisions in our courts, of similar cases, would have operated in his favour, he has not availed himself of the opinions of the judges; or the verdicts of the juries, to enforce the propriety of his prosecution against the defendants.—Oellers

No doubt the author was so informed. We do not question his veracity. But we are constrained to state, that though many of the members of that society were active in this particular, yet others of various religious denominations were equally so. Those of the latter class, are, Dr. Benjamin Franklin; General Thomas Mifflin, at that time president of the executive council, afterwards governor of Pennsylvania; bishop White, president of the prison society from its origin; Thomas M'Kean, then chief justice of the state of Pennsylvania, afterwards governor; Benjamin Rush, M. D.; William Bradford, Esq., attorney general of the state; William Rogers, D. D.; John Connelly, Esq, and many others.

against bishop Carroll, for excommunication, &c., tried before judge M'Kean; and a somewhat similar action brought by John Stock *against* the German corporation.—In both these cases, are many material points, which would much illustrate the present cause, yet he has not cited them on this occasion.

IMPRESSED with the belief that his exertions will be beneficial to the community, he congratulates himself on the probable emancipation of many thousands of his late fellow members from that slavery, into which they have latterly been pressed by the discipline. He has himself suffered from the impositions of its authority, and can truly sympathize with those who are still under its operation!

HE knows full well the manner and method of the general transactions of that society. Many members do not attend meetings of business; and others who do, have no participation in their measures, and are mere nullities; the business being transacted by the aristocracy!

BROUGHT up and educated in the Quaker society, it was not a light matter which could induce him to hazard the tranquillity due to his advanced years, by launching into controversies of this nature. But when the intollerance of church influence invades his civil rights, he could submit no longer. It became his duty to himself and fellow citizens civilly and religiously to oppose, and endeavour to put a period to the rapid strides of ecclesiastical pre-eminence so destructive of the liberty of the citizen!

HIS wish was not to irritate the society, nor to excite the ridicule of the censorious; but that it may lead to an investigation amongst themselves; and should a less rigid adherence to the letter of discipline, and a more intimate acquaintance with the spirit of Christianity, *love and charity*, be the result, his object is attained.

MANY of the members of that society he highly esteems, and he sincerely hopes, that the unhappy

controversy which gave rise to this publication, may not terminate all friendship heretofore subsisting between him and them.

HE can only say, that no circumstances can alter his regard, or disjoin them from his affections.

FINIS.

ADVERTISEMENT.

Since the foregoing Narrative was put to Press, we have perused the Report of the Trial, &c. just published by Joseph R. Hopkins, Esq. We observe, that the speech of William Lewis, Esq., one of the defendants' counsel, is much curtailed; and the severe strictures made by him on the plaintiff are mostly omitted.

The impressions they made upon the audience must however remain; and it is therefore we notice the attempt to extenuate by the omission of them.

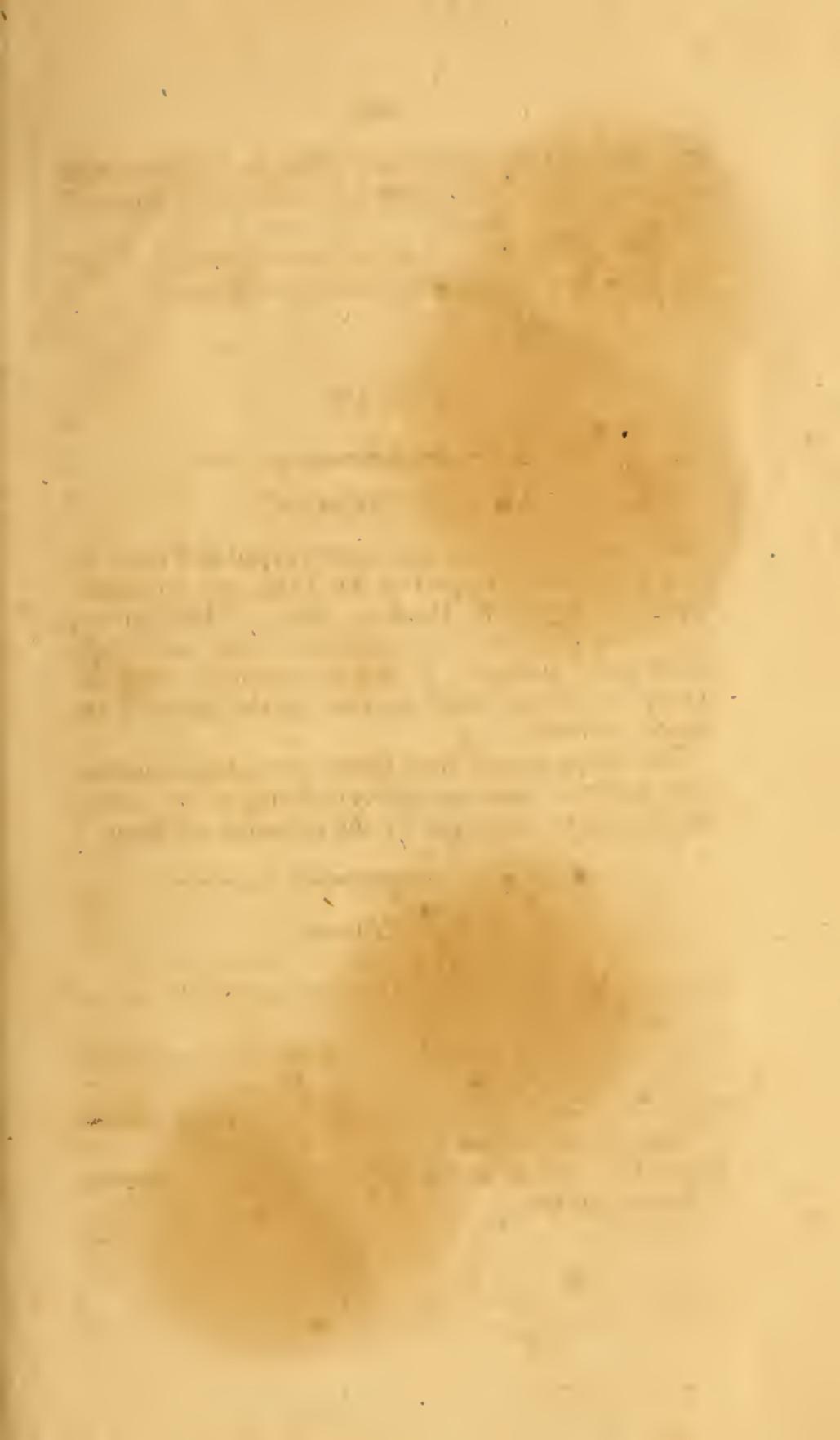
Table of Errata.

Page 13, second line from the bottom, for *to me by*,
read *by me to*.

Page 27, ninth line from the bottom, for *possessing*,
read *professing*.

Page 30, third line from the top, for *in the overseers*,
read *of the overseers*.

Page 107, second line from bottom, for *description*,
read *deposition*.





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