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# REPORT

OF THE

## TRIAL OF FRIENDS.

AT

STEUBENVILLE, OHIO,

FROM THE 15TH TO THE 26TH OF OCTOBER, 1828,

*Before the Hon. Jeremiah H. Hallock, Esq. President Judge of  
the 5th Judicial district of the state.*

---

**BY MARCUS T. C. GOULD,**  
STENOGRAPHER.

---

PHILADELPHIA:  
JESPER HARDING, PRINTER.

.....  
1829

*Eastern District of Pennsylvania, to wit :*

\*\*\*\*\*  
\* BE IT REMEMBERED, That on the seventeenth day of  
\* January, in the fifty-third year of the Independence of the  
\* SEAL. \* United States of America, A. D. 1829,  
\* \*\*\*\*\*

MARCUS T. C. GOULD,

of the said district, has deposited in this office the title of a book, the right whereof he claims as proprietor, in the words following, to wit:

“Report of the Trial of Friends, at Steubenville, Ohio, from the 15th to the 26th of October, 1828, before the Hon. Jeremiah H. Hallock, Esq. President Judge of the 5th Judicial district of the state. By Marcus T. C. Gould, Stenographer.”

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 times therein mentioned,” and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.”

D. CALDWELL,

*Clerk of the Eastern District of Pennsylvania.*

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AFFIDAVIT.

*State of Ohio, Jefferson county, ss.*

[L. s.] On the 9th day of September, eighteen hundred and twenty-eight, personally came before me, Benjamin W. Ladd, and on his solemn affirmation deposeth and saith, that David Hilles and Isaac James, both of said county, on the eighth day of September, instant, at Mount Pleasant, in said county, did, with others, unlawfully, with great force and violence, interrupt and disturb the Yearly Meeting of the society of Friends, when met together for discipline—the members of said Yearly Meeting, then and there being engaged in the performance of a duty appertaining to them, as members of said society of Friends.

BENJAMIN W. LADD.

Affirmed to and subscribed before me, the 9th day of September, A. D. 1828.

JEREMIAH H. HALLOCK,  
*President Judge of the fifth Judicial District of Ohio.*

WARRANT.

*To the Sheriff of the County of Jefferson, his deputy, or any Constable in said County, greeting :—*

Whereas, complaint has been made before me, President Judge of the Court of Common Pleas, in the fifth judicial district of the State of Ohio, upon the affirmation of Benjamin W. Ladd, that David Hilles and Isaac James, both of said county, did on the eighth day of September, instant, at Mount Pleasant, in said county, with great force and violence, unlawfully interrupt and disturb the Yearly Meeting of the society of Friends, when met together for discipline; the members of said Yearly Meeting, then and there being engaged in the performance of a duty appertaining to them, as members of said society of Friends.

These are therefore to command you, that you take the said David Hilles and Isaac James, if they be found in your county, or further jurisdiction, and them safely keep, so that you have their bodies forthwith before me, to answer to the said complaint, and to be further dealt with according to law. Given under my hand and seal this ninth day of September, A. D. 1828.

[L. s.]

JEREMIAH H. HALLOCK,  
*President Judge of the fifth Judicial District of Ohio.*

September 11th, 1828. Agreeably to the command of the within writ, I have taken the bodies of the within named David Hilles and Isaac James, and have them now here to answer to the said complaint.

N. D. SWEARINGEN, *Deputy Sheriff.*

Defendants were brought before me at the Court House in Steubenville, September 11th, and on motion of defendants, the trial was adjourned to the 15th of October next, at 2 o'clock P. M. to be held at the Court House in Steubenville—Defendants consenting that depositions of witnesses on the part of the complaint may be taken upon notice, and read upon the hearing.

JEREMIAH H. HALLOCK.



# TRIAL OF FRIENDS

AT

STEUBENVILLE, OHIO.

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STEUBENVILLE, OHIO, Wednesday, 2 o'clock, P. M.

Oct. 15, 1828.

*State of Ohio, Jefferson Co. ss.*

State of Ohio

*vs.*

David Hilles

and

Isaac James.

} This was a prosecution against the defendants for disturbing the Ohio Yearly Meeting of Friends, under a statute for the punishment of disturbers of religious societies.

The complaint was tried before the Honourable Jeremiah H. Hallock, Esq., President Judge of the Fifth Judicial District of Ohio, sitting as a Magistrate.

*Counsel for the Prosecution.*

Humphrey H. Leavitt, Esq. State's Attorney,

John C. Wright,

John M. Goodnow,

Samuel Stokeley,

Daniel L. Collier,

James Collier,

Andrew Loomis, and

George W. Banks, Esqrs.

*For the Defendants.*

Hon. Benjamin Tappan,

William B. Hubbard,

William Kennon, and

Roswell Marsh, Esqrs.

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*Examination of witnesses on the part of the Prosecution, by MR. WRIGHT.*

*Elisha Bates* called and affirmed.

Are you the clerk of Ohio Yearly Meeting of Friends? Yes. Have you the records of that Meeting? I have—they are here. Witness was requested to read the opening minute of the late Yearly Meeting, but it was objected to by defendants' counsel. Mr. Wright said the 8th of September was the time

appointed for the meeting of Friends belonging to Ohio Yearly Meeting; and, as he had been advised, the meeting assembled at the usual time and place. About the time of organizing the meeting, it being a meeting for discipline, and select in its character, not for worship, or public in its character, the two persons complained of, and others, took upon themselves to organize another meeting, to the disturbance of the society of Friends, and to the interruption of its business.

They proceeded, in furtherance of their design, to the displacement of the clerk, who held his office by the regular decision of the meeting, and took from him by force, the table on which he wrote his minutes.

This violence went to such an extent, that it was impossible for Friends to proceed in the transaction of their business, and they were compelled to adjourn till another time, leaving these two persons and others combined with them, in possession of the house. These are the leading facts: and to sustain these we have thought it necessary to show that a meeting was held; that it was a religious meeting; and that it was held for purposes of worship and discipline connected with their church government.

We suppose, that in the course of the examination, it will be necessary to inquire whether the assembly that we call the society of Friends, was, in fact, the society of Friends. We do not know that it will be necessary to go to this extent, but our idea is, that it will, in order to ascertain whether they were a religious society, and whether, being such society, they were assembled, and whether, being so assembled at their regular and ordinary place, they were disturbed. With a view to this, we offer the records of the meeting, to show that the society who complain, and who were disturbed, were *prima facie* the society of Friends, having in their possession the records and offices of the society, and every thing which constitutes a body of men, when assembled, a society, within the description of the law. And I will go one step farther: we contend, that the Yearly Meeting of the society of Friends is a society of representatives. For instance, the Yearly Meeting is a meeting of representatives from the Quarterly Meetings that compose the Yearly Meeting—the society consisting of Preparative, Monthly, and Quarterly Meetings.

The Yearly Meeting of Ohio consists of five Quarterly Meetings. The business which has been heretofore transacted by the society, is to be seen by the records; which also show, that it has been transacted by those who now have the records, and who are in possession of the official functions and rights of the society of Friends.

*Mr. Tappan*, for the defendants, said, if the gentlemen mean to draw into the view of the honourable judge, the idea that

a part of this religious society ought to be excluded, it may be necessary to decide whether the other part are the society *par excellence*. To determine this, it would be necessary to go into an examination of their doctrines and tenets.

This is a complaint against these men for disturbing a society; and here is produced and offered in evidence, the record of an antecedent meeting. We admit that the Yearly Meeting of the society of Friends was held on the 8th day of September—that there was a meeting—that our clients are members, and they also met. There is then no need of proof.

We are charged with a criminal offence, for disturbing a meeting of which we are members. This court certainly are not going to weigh in the scales of justice, the faith or religious opinions of these people. No matter if the prosecutors were the greatest saints, and my clients the greatest sinners, they have the same legal rights. My clients are not to be condemned for not coming up to the faith of the orthodox, but they are to be tried for a criminal offence.

*Mr. Wright* understood the objection was to Elisha Bates reading the minutes of that meeting. He did not know how they were otherwise to prove that such a meeting was held, as there was no other evidence of the fact. The gentleman says, he admits the fact, but it can only be proved by the exhibition of the records; then why is this evidence objected to? I know not what their tenets are, and care not what they are. If the court say we can introduce a less species of evidence in preference to this, I am content; I do not wish to take up time, but to get at the subject as soon as possible.

*Mr. Tappan*. The gentleman wants to introduce this record to show who are the members of the society. It has been stated that they have the books, and that they have made the entries there; but it does not depend on the entries which they have made, whether they are members of the society. If they have entered all their own names there and left out my client's, what evidence is it, but that they have entered some and left out others.

*Mr. Wright* thought the gentleman was out of his reckoning. It was proposed to prove that this was the record of the Yearly Meeting, not of those for whom he had the honour to appear, nor those on the opposite side.

*Mr. Tappan* said the society was divided into two parties; that each had evidence to offer; and he wanted to know if they could be evidence for themselves.

*Mr. Wright* said if there were two Yearly Meetings, it remained to be proven.

*Judge Hallock* thought it was very little difference where they commenced. The prosecution must show that there was a meeting, and that it was regularly organized. The testimo-

ny of Elisha Bates was material, for he was acting as clerk. What the effect of his testimony would be, could not be foreseen, but that it was important, there could be no doubt.

The witness then proceeded, with the records in his hand, being questioned by Mr. Wright.

At what time did the meeting now in question convene? On the 8th of Ninth-month last, at 10 o'clock in the morning. Does the record show the names of the representatives? It does—it is usual for them to be called, to organize the meeting, and it is not considered as fully organized until they are called. The original reports from the Quarterly Meetings are also here.

Mr. Tappan. When was that record made? At the date of it. Is it the original entry? No. It is a transcribed copy from the rough minutes. Mr. Tappan said the original minutes must be produced. The judge thought it not material; and the witness being interrogated as to David Hilles and Isaac James, proceeded as follows.

I am not positive that I saw David Hilles till I saw him standing on the seat of the ministers' gallery, not far from the seat usually occupied by the clerk. But previous to that, the business of the meeting had been completely interrupted by a proposition from an individual present.

It was the meeting for business, that convened on the 8th of the month, and the 2d of the week. There is no public meeting on Second-day, but the meeting for business opens on that day, to which members only have access. Who constitute the members entitled to access? I understand they are all those persons who are members by birth, or whose parents are members, and all that are received by application, and admitted by Monthly Meetings as members. Who constitute the body of the society? The Yearly Meeting of Ohio, in its territorial limits, embraces the society on the west of the mountains, as far as Muskingum; and it is understood that all the members within those limits are included, and all have the privilege of attending. But the Quarterly Meetings, previous to the Yearly Meeting, appoint representatives to the Yearly Meeting; and the discipline requires, that these representatives, previous to the time of meeting at ten o'clock, shall place the reports of their respective Quarterly Meetings in the hands of the clerk of the preceding year, who holds his place for one year. He is appointed on the second day of the meeting, and holds his place till the same time at the next sitting. They are required thus to place the reports in the hands of the clerk, in order that by entering the names, time may be saved.

It is usual for the representatives, and all others who are privileged by the discipline to sit in these meetings, to com-

mence at ten o'clock. It is also usual to pause till the meeting becomes settled, at which time, the clerk of the preceding year reads an opening minute, the same as is here—"at Ohio Yearly Meeting;" and then proceeds to call over the representatives, and to minute their attendance or absence. It is likewise usual for those who are absent, to send reasons for their absence, which are read, and notice taken of the same upon the minutes; after which, it is understood the meeting is organized for the transaction of business.

The meeting commenced at the time, as is usual. On such occasions they frequently come together considerably before the hour appointed for meeting. On that day the weather was inclement, and a considerable crowd had collected around the house before the doors were opened. They were opened, by my time, about three-quarters before ten, and the assemblage continued till the house was filled, the lower part particularly.

After the lower part had become filled, there were a considerable number of persons standing in the passages, though considerable room was yet vacant in the upper galleries. A minister present engaged in vocal supplication, and considerable stillness spread over the meeting, though there had been some agitation previous. After this individual was engaged in supplication, a number of persons came into meeting, in what I considered a disorderly manner, and persons whom we considered not privileged to enter. There were some from beyond the limits of the Yearly Meeting, who, we understood, had been disowned by the society where they reside, and who had, of course, no right to enter the meeting. This created some disturbance.

But as soon as a little stillness was obtained, Jonathan Taylor, who was clerk last year, and to whom it belonged to open this year, being at the table, began to prepare, to open the meeting. Whether he had formed the minute before, or not, I do not know, but he was opening the papers in order to call the representatives. Israel French observed, that it devolved on him to state to the meeting, that since, or words to this effect—since last year, our clerk had become disqualified for opening the meeting, by trampling the discipline under foot. He made some additional remarks, but his voice was so feeble, that I could not distinctly understand; but he went on to propose that another be appointed in his stead. He stated no particulars in which the clerk had violated the discipline. Jonathan Taylor was at this time engaged in arranging the papers to open the meeting, when a number of voices expressed, in a very unusual manner, their concurrence; a very considerable number at once. From the clamour, it was difficult to say what it was—I understood it to be an expression of concurrence, but it was difficult to say. From the sound of

voice as it struck my ear, I thought a number of persons spoke in rapid succession.

Several Friends objected to this proceeding, as being disorderly. But David Hilles' name was mentioned in very quick succession after this burst of voices, and some other person was named as an assistant, but I do not know who named them.

The clerk, Jonathan Taylor, proceeded to read the opening minute, (though there was considerable interruption while he was reading) and to call the representatives from the Quarterly Meetings, I think, in number 62. Fifty-seven of the representatives answered to their names, and reasons were received for the absence of two. It is usual in our meetings, for the meeting to be opened and organized, before it is understood that any subject is open for discussion, in any matter of dispute, or any thing in which it is probable there will be a contrariety of opinions. It is understood that meetings of business are opened by the clerk.

I have known instances in which messages have been received from the women's meeting, informing of a prospect or wish that a female may have, to visit the men's meeting. And it is the uniform practice for the clerk to open the meeting before the subject is open for discussion.

A number of individuals, I cannot say how many, expressed their disapprobation, stating, that it was out of order. The assistant clerk had probably proceeded so far as to read the heading of the several reports, when the meeting was thrown into such a situation as totally to disturb the business. Frequent and loud calls were made on David Hilles to go to the table, and a number of persons raised themselves upon the benches, and some upon the backs of the benches. Some cried out, Friends, will you suffer your clerk to be kept from the table? thus urging Friends to make way for him in a loud and boisterous manner; frequently many speaking at the same time—it was with great disorder, by which the clerks were prevented from proceeding. (Here, at the suggestion of the judge, witness described the situation of the raised seats, ministers' gallery, &c.) Members called out in different language, and one person being raised upon the bench, was engaged in earnestly exhorting those to whom he addressed himself—Friends, will you suffer your clerk to be kept from the table? and this was a disowned person, who had no right to be in the meeting.

At this time there was a great deal of moving about in the meeting house. I saw a number moving backward and forward in the crowd, and a large proportion of those in the house had raised upon their feet, and many on the benches. I saw Israel French going from the position which he occupied when he made the proposition, towards the back part of the house.

I saw him pressing through the crowd, and returning towards the gallery; and a number of persons pressed on towards the clerk's table.

I think there are three ranges of benches rising in regular gradation from the floor to the upper seat of the ministers' gallery. Those who occupy these seats face the great body of the meeting, and these seats were closely filled, and also the steps leading up to the clerk's table were closely filled with persons sitting upon them. The clerk's table stands at the upper end of these steps in the ministers' gallery. Near the commencement of these steps from the floor, stands a large stove, in the middle aisle, leading up to the clerk's table. There are folding doors at the back of the clerks. A number of persons proceeded on towards the clerk's table, but Friends who were in their seats were not disposed to make way for them, and kept their places; and as the others pressed on, pretty generally, those who occupied these seats rose upon their feet. The pressure soon became violent, but I frequently heard persons exclaim, "don't use violence," and several stated that they were hurt. I saw a stout young man spring upon the heads of Friends who faced the meeting. I saw him erect above the crowd, but he soon lost his balance, and fell back, and his friends rushed on.

One young man raised himself upon the stove, and proclaimed that the God of love had left the gallery, and the god of mammon had taken his place; and also added something about taking the clerks to the table. The parties pressing toward the table, had made their way, perhaps half the distance from the floor to the table, when a suspension took place, during which the assistant clerk called over the names of a number of persons, and on calling them by name, desired them to leave the house as disorderly persons. There was considerable remonstrance against the proceedings during this suspension of the bustle. But I heard it said in the crowd, they have had time to surrender, it is time to press on, or something to this effect, and a violent pressure was made.

In the early part of this suspension, an individual in the youths' gallery, facing where I sat, near the clerk's table, observed, that those persons who occupied the gallery over the ministers, or the persons sitting in the ministers' gallery, had better move, as the gallery was so loaded that it might fall. Some who sat near me were apprehensive of danger, but looking up, saw no cause of alarm, and were quieted. A few minutes after, it was pronounced that it was time to surrender, and the word was given, press on, and an alarm was given that the galleries were coming down, the house was falling. It was reiterated with great vehemence, and created great alarm and consternation, and those who occupied the



seats under this sound-board very generally left their places. I rose upon my feet at the time, but immediately looked up, and discovering no occasion for alarm, it instantly occurred to me that it was a stratagem. It produced dreadful consternation, and a general rush, in which the noise might be a little compared to thunder. I heard a number scream, and distinctly heard persons shout.

At this juncture, I heard it pronounced in the crowd, "now is the time, rush on." A number of persons did press through with great violence. I saw Isaac James between the two upper rails, within one bench of the ministers' gallery, struggling with great violence in the crowd. I saw him in the attitude of having his shoulder against some Friends, who were in his way, and from his position I concluded he had his feet against the bench below him; and he was struggling with great violence in that position. I saw him afterwards making his way round the clerk's table, where the clerks usually sit. The struggling was to get forward to the clerk's table. He gained his entrance at the opposite end of the table from where I was. I had taken my seat by the clerk, and as he was passing round the table, I heard him say, that he had used no violence; but he was much out of breath. His breathing was very much exhausted.

I saw in the ministers' gallery, but how he got there I did not see, the young man who mounted upon Friends' heads, and a number of others, who came and laid hands on the clerk's table, to remove it, as appeared to me. One threw open the door, a number laid hold to remove the table, and a number took hold to prevent its being moved. I do not recollect seeing James take hold of the table. The persons who had forced their way to the table, as I have mentioned, made another pause for a few minutes. During this time, a young man came over from where the clerks had been sitting, but who were displaced. I was at the time sitting, having been pushed out of my seat, near my original seat: he came very deliberately over the elbow of the ministers' seat, and took his position at the end of the table. He very deliberately fixed himself hold of the table, and whether at a concerted signal, I cannot tell, but a simultaneous movement took place to remove the table. An individual near me observed, that Jonathan Taylor was crushed against the house; he gave notice that they were hurting Jonathan Taylor, and it was repeated several times; but the attempt to remove the table continued. This young man was using great exertion to press the table in that direction. The individual who gave this alarm of injury to the clerk, stated that Jonathan Taylor would be killed unless they desisted.

I was still sitting near, and apprehending that the life of a



valuable friend was in danger, I caught hold of the arm of the young man, and told him if he did murder, he would be accountable for it; and pronouncing the word murder with a strong voice, there was a relaxation. I understood at the interval, Jonathan Taylor was released, having been seriously injured, and crushed against the house. In a few moments the table was crushed to pieces. I think Taylor was assisted to extricate himself.

Very soon after the table was torn to pieces, a shout was raised near it, on the opposite side from where I was, Huzza for Jackson.

I saw David Hilles standing on the seat in the ministers' gallery on the opposite side of the door from where I was. It was proposed that he should proceed. I heard him read a minute. The table was broken entirely to pieces. He proceeded to read "At Ohio Yearly Meeting," and mentioned the date. I did not see him write it. I heard him also calling the names of persons as representatives I suppose. Eight of them were the same as those called by Jonathan Taylor—I don't know of any more.

Did they answer to both calls? I think that five of them answered to Jonathan Taylor; and I believe that three answered to David Hilles who had not answered to Taylor, and I am not very certain but a fourth answered Hilles who had answered to Taylor.

In a short time after this, a Friend adverting to the extraordinary proceedings which had taken place, proposed that the meeting should adjourn. Several persons expressed a concurrence with the proposition, and it was proposed that the representatives should be called to express their assent or dissent to the adjournment. Their names were called. They were generally still present though some did not answer, having as was supposed left the house during the tumult. Those who did answer I think all expressed their concurrence with the adjournment. I should consider that something like four or five might have been absent; the proportion was inconsiderable. I should suppose that something like fifty answered. Were they in favour or against the adjournment? All in favour as far as I recollect. It was concluded to adjourn till 10 o'clock the next morning. Who was the one who acted in this measure? Both the clerk and the assistant clerk. Information of this conclusion to adjourn, was sent to the women's meeting. The objection to the adjournment was very inconsiderable; there might have been objections made by a few, but none by the representatives, and the meeting adjourned.

The Yearly Meeting of ministers and elders had met on the Seventh-day preceding, and had adjourned till 8 o'clock on Third-day morning the 9th instant.

About the time to which the Yearly Meeting of ministers and elders had adjourned, I went with others, and found the doors closed. At one of the doors a demand was made to know who we were. We informed them that we wanted the use of the house for the Yearly Meeting of ministers and elders. We were informed from within that Ohio Yearly Meeting had adjourned till 9 o'clock, till which time, the house would be kept shut. We accordingly left the ground without any further discussion on the subject.

At 10 o'clock, Friends again met on the ground of the Yearly Meeting, that is, those with whom I associate; and a Friend who had been particularly intrusted with the care of the house by Friends for the time, and myself, with another representative, went into the house, so far only as to be distinctly heard. At this time David Hilles was at a table where the clerk's table usually stands, and acting, as I understood, as clerk for those that were met. A demand was made in the name of the trustees, and on behalf of the representatives, for the house, to hold the Ohio Yearly Meeting in; by James Heald, in the first place, in the name of the trustees, and I, in the next place, on behalf of the representatives. I was one of them. Friends were kept out of the house, for the residue of the term.

It was mentioned that a paper which had just been made, should be read as a reply to this demand. It was read, but I did not attend a great deal to it, because it was the house, not a paper, that we wanted. I understood it to be some report that had been drawn up, proposing a compromise, and which has since appeared in the newspapers. I repeated the demand several times to bring their attention to the point, that it was not a paper, but the house that we demanded. They gave indirect and evasive answers. One individual, who sat in the ministers' gallery, observed, that Ohio Yearly Meeting was then sitting, and did not wish to be disturbed. One or two of their number brought the paper, and handed it to me. I told them it was the house we wanted, and not the paper; for Friends were then in the yard. They said there was no other reply, and the clerk must go on with the business; David Hilles accordingly went to looking over the papers then before him.

I informed those in the house that Ohio Yearly Meeting would be opened in the yard; the women's meeting in the west end, and the men's in the east; and we withdrew. The meeting was accordingly opened in the yard, without seats to sit on, Friends generally standing, except a few on the fences. At which time, as usual, the representatives reported that they had conferred together, and agreed to propose me as clerk, and the former as assistant, to be appointed.

The meeting was opened by the assistant clerk, Jonathan Taylor being disabled from performing that duty by the injury

he had sustained the day before. The representatives were generally in the yard, waiting for entrance, when the meeting opened in the yard. I would say, that fifty-seven were present, the number that first answered; they were not called, so that I cannot say positively.

*Questioned by Mr. Wright.*—Was the proposition to appoint David Hilles clerk, in the usual form? I consider that it was not. I understand you to say, that the meeting, as such, did not act on this proposition, but that those only who formed the separate meeting acted on it? That was the case. Was this meeting of the society of Friends a religious meeting? It was; and it was generally considered a highly disorderly movement—it was disorderly as to the time.

The usual course is for the representatives to confer together, between the first and second sitting, and propose to the second sitting a person for clerk; and a clerk is appointed on Third-day morning, which is the second day of the sitting. And it is understood, that he holds his office till the same time the next year. [See page 97 of the discipline.] How long have you been a member of the society of Friends? I had a birth-right, my parents were members; and my impression was, that that meeting was the Yearly Meeting of Ohio. There are five Quarterly Meetings, Redstone, Short Creek, Salem, Stillwater, and New Garden.

Does every member in your meetings have a voice? The practice is, for Quarterly Meetings to send representatives to the Yearly Meeting; but every member, not under dealing, to use a phrase of the society, within the territorial limits of the Yearly Meeting, is understood as having a right to sit; and those, also, who come from within the limits of other Yearly Meetings, producing satisfactory credentials of fair standing in society, have their rights acknowledged in these meetings, and all other meetings of discipline in the society. Have those persons who are permitted to visit, a right to vote? It is understood that all persons privileged to sit in these meetings, are privileged to express their sentiments in these meetings. We never vote on any occasion; but I consider that the society has, heretofore, been favoured with so much unanimity as to get along without any serious difficulty, in deciding what was the judgment of the meeting. But I consider, that the representatives do substantially constitute the Yearly Meeting in its official capacity.

I consider that if the representatives were to attend, and no other persons, it would be a Yearly Meeting. And further, if no representatives were to attend, no assemblage of persons within the territorial limits of the Yearly Meeting could constitute a Yearly Meeting. It is required, that it shall be known they are present; and they are called, and required not

to withdraw without leave. The discipline says nothing about how many should constitute a quorum for business.

The society existed for several years without any system of church government; I think till the year 1672. The ministers who had been active agents in propagating the doctrines of the society, gathered them into a distinct form. They had in a collective capacity held an annual meeting, it appears, for several years, to take care of the various concerns of the society. And it was proposed, I think in the year 1672, that the Quarterly Meetings should appoint representatives to constitute a Yearly Meeting. It was discontinued, however, till probably the year 1677.

The Yearly Meeting in its first institution was constituted of representatives; and in their first constitution, Quarterly Meetings were also understood as constituted of representatives from Monthly Meetings, below which, the representative system was not brought into operation. The practice of appointing representatives from Monthly to Quarterly, and from Quarterly to Yearly Meetings, has continued, so far as my knowledge goes, down to the present time.

When David Hilles was called on to go to the table, what was done? A number of persons called out for *our* clerk to go to the table, as *they* called it: during this time, Jonathan Taylor was going on with the business. Did you take notice of the number who remained in the house? On Third-day, when the demand was made for the house, near two of the doors there was a considerable crowd that pressed in, some of whom I knew were Friends, and I knew some that were not members of society, in that part of the house. I should judge that there were something like two hundred persons, and probably about eight hundred in the yard. There might have been a number of those about the doors, who acted in concert with the meeting then going on. I should suppose that those who continued to act with David Hilles, were about one-fourth.

*Cross-examination by defendants' counsel.*—Until two years past the society was composed of a number of persons, who are now divided into two parties, was it not? Taking the fact of the meeting—(Counsel. Well, they are facts, that we want.) in point of fact, a number of persons during the last Yearly Meeting did combine to hold a Yearly Meeting, separate from the Yearly Meeting of Ohio; and the Ohio Yearly Meeting continued to hold its sittings after those persons had adjourned. We want to know, whether the persons constituting this meeting, who continued to act with David Hilles, were a year ago members of the society of Friends? I think there were, on Third-day, some in the meeting, who were not members of the society of Friends. Was David Hilles there on Second-day? He was; he was there as a very unruly person. When

Ohio Yearly Meeting is assembled for business, have not all the members an equal voice in the meeting? That would lead to a more extensive answer. There is no prohibition from expressing a sentiment in the meeting. Then in that meeting you are what may be termed a democracy? No, we are a representative society. Has the person who is a representative any more weight than one who is not a representative? As to the weight, it would be difficult to answer. Some are representatives, and some are not, and is there a distinction in these in their vote or voice in the meeting? We never vote; we express our sentiments. Does the opinion of a representative weigh more than that of another member? It weighs what it is worth; and so with the opinion of every member of the society, it weighs what it is worth. An expression of sentiment is estimated by what it contains or conveys; there is no inequality as to what the meeting consider the right of individual members to express their sentiments. As to the general estimate, the clerk, it is understood, is to collect and record what he understands, to be the prevailing sense of the meeting. It amounts, in substance, to what in other meetings would be determined by a chairman or president. We do not vote, when assembled in a Yearly Meeting, consisting of representatives and others. Is there any ecclesiastical power over that meeting, superior to the power of the meeting itself? Yearly Meetings are understood, in a qualified sense, to be independent bodies. They have a right to adopt rules and regulations operating within their own territorial limits. When the members of Ohio Yearly Meeting have met, is there any other body of men on earth that has control over them? There is, in one point of view. These different meetings, though acting in a judicial and legislative capacity, and having complete power so to do, are still understood as parts of one society, embracing all other Yearly Meetings; and the members of one of these possess rights in all, on certain conditions, and these are known and recognised by each other; and upon the understanding of being parts of the whole, the members of each enjoy privileges in all. Should any one of the Yearly Meetings, in the exercise of its official character and power, adopt principles of faith or church government, incompatible with those which have been adopted by the society at large, it would be sufficient to break the bond of christian fellowship. The fact would be declared by the other Yearly Meetings, and they would stand separated from the body, and of course the members could not enjoy their former privileges:—in that sense, they are not absolutely independent bodies. As far as their own members and business extend, there is no rule of discipline binding on Ohio Yearly Meeting, unless adopted by that meeting? No.

When a question is raised in Ohio Yearly Meeting, with regard to any of its officers, or any thing which concerns that meeting, is not the decision of the question exclusively in the power of Ohio Yearly Meeting, when assembled? Yes. Yet the Yearly Meeting, though in itself it may be understood as a legislative body, is subject to some rules and regulations, that operate upon its members and upon the body collectively, unless the meeting should change their usages.

You have stated, that your society is composed of five Quarterly Meetings. Is it not a fact, within your knowledge, that four of these meetings are divided, and that they chose two sets of representatives to the last Yearly Meeting? With respect to what may be properly within my knowledge, I know of only one division of a Quarterly Meeting. Do you not know that there has been such a division? In the Quarterly Meeting to which I belong, after the regular clerk had opened the meeting, and called the representatives, the clerk stated that there were a number present who had been disowned, and some objections were raised to going on with the business of the meeting. A number of disowned persons who were there, proposed holding a Quarterly Meeting, and when they withdrew, a number, who were not disowned, withdrew with them. Does the majority usually disown, or the minority? In some cases a minority may do it. If a meeting be composed of fifty members, is it in the power of ten to disown forty? Yes. Is it in the power of three to disown forty-seven? Yes; a very small number may do it. In relation to the two sets of representatives, you only know, as it respects Short Creek? I heard David Hilles calling names. But you do not remember whether they were from all the five Quarterly Meetings? I cannot tell. Do you not know, that there was a double set of representatives? I do not positively; but I believe there was, that is, of those whom they call representatives. Which of these were the proper representatives to appear in the meeting? One set was called by Mr. Taylor, and the other by David Hilles, and both claim to be legal representatives. Who could determine this question?—was there any other authority but the Yearly Meeting? I do not know that I am prepared to answer that question, as to the fact stated, because I am not the proper person. Nothing was said as to two sets of representatives? I heard no such fact stated in that meeting.

Suppose a Quarterly Meeting should divide, and choose two sets of representatives, and they should come forward to the Yearly Meeting, would it not be the business of that meeting to decide, which was legal, and which not? I suppose it would be the duty of the clerk, to respect those, whose names were placed in his hands according to discipline. Suppose



the representatives from a Quarterly Meeting should both place their reports in the hands of the clerk, at a proper time, and in a proper manner—whose duty would it be to determine? It is a question which has never occurred. Would it not be a question to be decided by the Yearly Meeting, and by them alone? I have never known such an instance. Have you any other tribunal that could decide it, but the Yearly Meeting? None, that I know of.

Were reports in the hands of Mr. Taylor, from all the Quarterly Meetings? He can answer better than I can. Do you know the fact? I do not. Did he receive the report from the Redstone Quarterly Meeting? It is here, and it is signed by the assistant clerk. It was mentioned at the time, that the report from Redstone had been handed in by the assistant clerk. The other signed by the clerk, was not presented. The assistant clerk, and the clerk also, were representatives from Redstone, but the clerk did not hand in the report to the clerk of the Yearly Meeting, nor answer to his name.

Previous to this meeting, had not Friends with whom you act, appointed some persons to keep the doors shut, and to exclude certain Friends from coming into the house? It has been the practice for a number of years. I ask whether persons were not appointed to keep the meeting-house and guard the doors? The Yearly Meeting did not—the trustees of the property, apprehending injury to the property, had placed persons there to take care of it, I think on Seventh-day, and to be in the house. It was not understood that the meeting would convene in the night, and they staid there to prevent injury. The Quarters had appointed persons to keep out, if they could, by any moderate means, persons disowned, and those under dealing, but not to exclude any individuals who had a right, by the discipline, to attend. What Quarters appointed these door-keepers? I have not seen any official statement, but believe all did except Redstone. I do not know how many Short Creek appointed, nor how many acted at the meeting. When did the meeting assemble? Ten o'clock was the time appointed, but people assembled earlier. Were any excluded who were members of the society? None that I know of. How many guards were stationed at the doors? I do not know. Were any members excluded? I believe none that had a right to enter. Did you ever know such door-keepers appointed before? Yes, Short Creek has frequently done it. Has any body ever been refused admission, till this year, or have you ever before known any persons coming into meeting, to be pushed back? Not that I know of—I never knew any body to intrude or force in, when they had no right. Was it not the duty of the door-keepers, to exclude all those who were representatives, as well as members, not on your

side of the question? It was their duty, only to exclude those who were under dealing, or disowned. Such an idea as excluding those who did not unite with us, never entered the mind of any of us. When Mr. French made his proposition, had the meeting proceeded at all in business? No. Jonathan Taylor was opening the books. Was not his proposition pretty universally agreed to? A number of persons in a burst of exclamation, appeared to approve. Was not the voice of the meeting, strongly in favour of the measure? Yes, if we judge by the noise. How do you judge but by the noise of different voices? By the deliberate and audible manner. If they speak together, it is disorderly. If the greater voice appears to be in favour of the measure, is it not carried? No, I never knew a question carried that way. Were there not more voices concurring with French's proposition, than disapproving? I cannot tell, because some spoke several times. While this was going on, did not Taylor proceed? He did; he requested them to be quiet, and many expressed their disapprobation. I did not speak to it myself, for the meeting was not open, though I most heartily disapproved of the whole proceeding. (No doubt of it, said the counsel.) While this proposition was before the meeting, Taylor proceeded with the opening minute, and the assistant clerk proceeded to call the representatives? I think the clerk read them. I do not consider that the meeting agreed to it. What number objected? I cannot tell the number, but I think a number expressed that it was out of order.

While this question was before the meeting, and not decided, was it according to your mode of doing business, for the clerk to proceed to calling representatives? It was according to order. Was it in order for the clerk to go on with his opening minute? It is understood that if the motion made—Has the clerk a veto, or is he subject to the order of the meeting? Yes. You state that those seats near the ministers' gallery, were full and crowded? Yes. Had not Friends with whom you act taken that station previous to the opening of the doors? I don't know that they had. When the doors were opened, did you not then take those seats? A number of those seats were occupied. It is a practice for ministers, elders, and representatives, to face the meeting. They were not all such, I suppose? No, elderly Friends and active members of the society take those seats. [Here witness expressed a desire to recapitulate, for the purpose of giving some explanation.] Before opening the doors for general admittance, a large committee who were sitting that morning, at three-quarters before 10 o'clock, concluded to adjourn, that the people might come in. One of the door-keepers came to me and said, it would be desirable that the doors should be



opened, and I think it probable that those occupying these seats, kept their places. Did not others take them? I was not on them. It was a rainy day, and I went to a seat on the ministers' gallery, and took a seat by the clerk. You speak of the alarm as being a preconcerted plan; why did you think it preconcerted? One reason was, the intimation given that the place was likely to fall, while those pressing forward to the clerk's table, by spreading it, created uneasiness, as a number of Friends afterwards said, they were made uneasy by this suggestion; one reason further, was the violent exclamation of those sitting opposite, repeating vehemently, the galleries are coming down, the house is falling. I further had strong apprehensions that it was a stratagem, from the fact, that at the time those who occupied these seats under this place, were rushing out of doors, those who were pressing their way up the steps over Friends, called out, now is the time, rush on. I know that it was at this time, that a number of those between the body of the meeting and the clerk's table, left their places, and there was a vacancy about the clerk's table, many were thrown down and trampled on, and others pitched out of the door. I heard shouts, not of alarm, but of exultation and to increase the uproar; I heard, now is your time, rush on. I do not know whether by members of the society or not.

When Mr. Hilles was brought forward, did not the people refuse to give way, and keep their places? When the pressure was made on them, to force through them, they pretty generally rose on their feet. Did they not push those back, who were approaching? I cannot tell, I was on the upper seat. Did you not see those Friends, before you, pushing? I saw one elderly Friend who sat upon the steps, who being rushed upon by a young man—I saw him lean forward to preserve himself from being overset. Did you not see him take hold with his hands? I did not. Who was this individual? I think it was Benjamin W. Ladd. Would there have been any disturbance, if they had let Hilles come to his place? I think there would have been no violence. I think the violence was by pressing upon those who were in the way, and who did not get out of the way. Did they not push back towards the stove? I saw no movement in that way. As to the table you saw torn in pieces, who was the person who first took hold of the table? I don't know. When he took hold to move it, did not the orthodox Friends seize hold to retain it? I think not. Where were you? I was within an arm's length of it. I did not take hold that I recollect. It was pulled one way by those who wanted to move it, and held down by Friends. Do you not know, that the orthodox Friends were those that broke it, in the first instance? I think that Jacob Richards broke it. I saw him have hold of it, and heard it crack. You

saw Taylor injured, was he not immediately behind the orthodox Friends? I believe that he was within the length of a cane of me. Were there any of those persons on that side of the table? I think Jacob Richards was, he had been. Were any others there? Caleb Cope, I think, was on the opposite side. Were they pulling towards Taylor, or from him? Neither towards nor from him. Would it have been moved towards him, had it not been for the struggle of Friends to retain the table? I know that it was taken hold of, previous to Caleb Cope's fixing himself with a steady press, and at the time that I took hold of the young man, and gave him a pull, and told him, that if he did murder he would be accountable for it, I think some said, take it out of the house. Do you know which of the orthodox Friends had hold of the table? Jacob —— was one, and I think Joseph Steer was another. There was a dense crowd on the two sides. Had Taylor hold of the table? I can't tell, I don't recollect whether I saw him or not. After the table was broken, there was a pause; there was no other disturbance. David Hilles went on to read, but we considered that Taylor was the regularly appointed clerk. Were you not the regular clerk? I was appointed in the beginning of the meeting, but was ill, and he was appointed *pro tem.* or during my illness. How was that appointment made? I was not present. How does the minute say? Witness reads from the book of minutes, "our clerk being too much indisposed, Jonathan Taylor is appointed in his stead." Are representatives known as such, till their names are called? The Yearly Meeting is not considered as organized till they are called. Suppose the clerk of last year had been dead, or that Mr. Taylor had been taken ill on the morning of Second-day, so that you had no clerk? I suppose the assistant would have acted. Well, if there had been no clerk nor deputy, how would you have got along with the business—suppose both had been ill, or unable to attend on Second-day morning; would it not have been in the power of the meeting to appoint a clerk, and would not that have preceded the calling of the representatives? I suppose it would. Then the meeting could, under certain circumstances, proceed to the business of appointing a clerk, without calling the representatives? If the clerks were not present, none could have been called. Suppose the clerk had been disowned by his Monthly Meeting? Then he would have had no right to be present. And suppose there were no deputy, could not the meeting proceed to the election of a clerk? I think the meeting would name one, and proceed to business.

Is it not disorderly to interrupt a minister in the discharge of his functions? It is, to interrupt any minister in unity with the society, where he is. Had not Mr. Taylor interrupted a

minister? He did; and any individual had a right to interrupt Amos Peaslee. If he had been a regular minister, in good standing, would it not have been irregular? It would, if he had been introduced and his certificates received. I am supposing that it is a regular minister, and if in that character, would not such an interruption be sufficient to disqualify him; would it not be disorderly? It would. If Peaslee were a regular minister, then it was disorderly, and he did publicly oppose him? He requested him to sit down. Previous to any violence being used, Mr. Hilles came forward to the stove? I have no recollection of seeing him till I saw him in the gallery. Did you not see him at the stove? I did not.

When you came forward on Third-day morning, were you not told that the Yearly Meeting were sitting, and that you were at liberty to come in and sit with them? William B. Irish, I think, said that we might come and sit down quietly. I shaped the inquiry—whether we could come in and hold the Ohio Yearly Meeting? Was there any reason to suppose, that you might not have gone in and occupied your seats? One individual said the Ohio Yearly Meeting was sitting, and wished not to be disturbed; another said, we might sit down quietly, the doors were open; but we were not willing to sit down with them, as the Ohio Yearly Meeting.

Have the trustees, till this year, ever shown any acts of ownership? I don't recollect. We have considered the property, as built and designed for Ohio Yearly Meeting in a collective capacity.

Here the court adjourned till 9 o'clock next day.

*Thursday the 16th, 9 o'clock, A. M.*

The examination of Elisha Bates resumed.

*Questioned by Mr. Tappan.* I wish to know the facts, in relation to Amos Peaslee's being disowned? I know that Jesse Thomas, who is said to be the clerk of the Woodbury Monthly Meeting, objected to.—By what authority, did Jonathan Taylor order him to sit down? It was, because he was understood to have been disowned, that he requested him to sit down. Is it according to the usage and discipline of the society? It is. In the proceedings of the society heretofore, we have generally been enabled to get along in the decision of questions very harmoniously, and without serious difficulty, as to discovering the sense of the meeting. We have no chairman in our meetings, but it is the business of the clerk to collect the sense of the meeting, and, when necessary, to explain questions. As I understand the proceedings in other bodies, those duties which are usually divided between a chairman and secretary, are here combined in the clerk, but subjects are not put to vote. Any individual who has a right to be there, has

a right to express his sentiments; and after a subject has been proposed and discussed, the clerk, according to his best judgment, records what he conceives to be the sense of the meeting. The minute is read, and if no objection is made, it is understood to be the sense of the meeting. But, if objections are made, they are attended to; the discussion may be renewed; the clerk corrects or changes his minute as he considers the sense to be; and it is still subject to further discussion, and so on till there is an understanding that the sense of the meeting is settled.

You take then into the estimate the weight of character? Certainly the weight of character is taken into consideration. I understand that in the appointment of clerk, the subject belongs to the representatives. I did suppose, that when the clerk was not present, it was the duty of the representatives to appoint. If a proposition were made, I should suppose it would be considered their privilege to answer. It is their privilege and business to name the clerk. But, in the proposition to make David Hilles clerk, there was no application to the representatives, though a member objected. Taylor was appointed as a substitute for me, but the epistles were signed by me, as clerk of the meeting. Do you know that there was any objection to the appointment of Taylor, or to his continuance as clerk? No. Here the witness stated, that when compiling a book some years ago, he addressed a letter to the society of Friends in London, requesting to be furnished with authentic information in relation to the society. The Meeting for Sufferings acted upon this application, and furnished me this book, (holding a book in his hand,) with others. This book, was understood, to contain a history of proceedings in the society, from 1681 to 1700 inclusive, from which the witness read some passages, which we are unable to furnish, as they were not recorded at the time, nor have we since found access to them.

You speak of the Meeting for Sufferings, as being a branch of the Yearly Meeting; have they power to establish articles of discipline? No. Is there any discipline, not contained in your book of discipline? No. Then you say the whole discipline is contained in it? Yes, but there are some rules, which have been adopted by the Yearly Meeting, since the book was published, which are considered equally binding. You have spoken of the weight of character; I want to know what you mean by the weight of character? Are there degrees of character in your society? Yes. Well, what determines the weight of character? The religious usefulness of the individual. Who determines and weighs the character? I suppose it is taken into the estimate of every individual acquainted with the parties. In deciding a question in the Yearly

Meeting, who is to determine the weight of character? The clerk is the judge of what passes before him. So, then, if half a dozen of great weight, vote one way, and two or three hundred vote the other, the clerk would consider it as carried by the greater weight of character? Yes—I mean to be understood, that individuals of acknowledged experience, rectitude of conduct, and general usefulness in society, possess more influence, than a boy, or stripling, who could not be understood as possessing religious experience, or usefulness in society; and there may be other cases in which they would have no weight of religious character. You say there is a difference; that some have greater weight than others: that is, that the opinion of some individuals, will be received as outweighing the opinion of a number of less weight? I understand it to be the case. There may be individuals who are not under dealing, and yet very disorderly: to these would be paid but little regard—they would have but little or no weight. Do you find that in the discipline—is it a distinction that has ever been made till recently? I believe it has always been made. Then the majority do not govern, but the minority may? Yes. Do you ever consider a question as carried in meeting, if a majority express their opinion against it? I do not know that I ever knew a case of the kind. Would you, as clerk, make a minute, if the majority expressed their opinion against it? There are cases in which it might be done consistently and properly, if that expression was out of the order of society. Would it be regular for the clerk of a meeting, to sit it down as carried, if a majority expressed against it? There might be cases in which it would be. Could you, as clerk, set down a thing as carried, where there were a majority of voices against it? I could—if the general body of active members of society, those who had been known to have the concerns of society upon them, should express their opinion; and a larger number of those who had not taken an active part, and who are not considered as persons of religious experience, should express a contrary opinion, the clerk would not be justifiable in taking this as the sense of the meeting. Do you find that in your book of discipline—is it laid down by any of your writers that promulgate the opinions of the society? I think that Clarkson gives that opinion. Can you refer to it? I cannot: it is a considerable time since I read it, but I believe he gives that opinion. Was he a member of this society? He was not. Do you receive such writings as faith and discipline? It is considered that his writings were a faithful portraiture of the manner of transacting business in the society. He had access to the best writings of the day. Don't you know that Clarkson says, "every member comes into the society with equal rights?" I don't recollect. I will ask you, if the mem-

bers of the society of Friends would not proceed to business, if there were not delegates from all the five quarters, provided the reports were sent in? I think they would. Would they not if they had the reports, though there were no representatives present? No, they could not, because they could not know the reports to be authentic. Suppose they were brought up by the representatives, and that the representatives should then retire, would they not proceed with the business? No, they could not. And yet you say the representatives have no more voice in the meeting than the other members? I say that all who have a right to attend have a right to express their sentiments, and that the sense is collected by the clerk, who continues to collect it, till it becomes, in his estimation, the sense of the meeting. In taking the sense of the meeting, you do not take the sense of the representatives separately? No. Has it ever been done? I don't know that it has. Is there any thing in the discipline which would sanction it? Yes, I think there is, because the meeting is composed by representatives. Is it not common for reports to be sent up? I do not recollect to have seen such a case. Was Jonathan Taylor appointed by the representatives? I don't know. Can you not see by the minute how he was appointed? I was not there.

*Jonathan Taylor, affirmed.*—Were you present at the Mount Pleasant meeting? I was. Were you the clerk? I was clerk of the preceding year. I was appointed clerk in the place of the old clerk. Did you open the meeting on Second-day morning? Yes, I did. Was it a religious meeting? I considered it so. Was it disturbed? I considered that it was. Go on to relate what you know.

I think, as was stated by the witness yesterday, that near three-quarters of an hour before the usual time of assembling, the doors were opened. After a number of persons had come in, and taken seats, there appeared to be some objections made at one of the doors, to the admission of those that were not members. A violent rush was made, and a large number rushed into the house, and stepped forward, as I considered, with a countenance and carriage more like military men, who had gained a conquest, and were pressing forward to the attainment of another, than like men coming into a religious assembly. A number pressed pretty far forward, and got to the seats near the galleries, and others remained at the doors on the inside, and assisted their party, by taking hold and pulling them in, when they came to the door.

After the meeting-house was pretty well filled on the lower story, a Friend appeared in supplication, at which time considerable quiet was produced; and pretty soon after this, I prepared my papers, to open the meeting. But whilst I was making preparation, Israel French— *Question by the judge.*



How long after the doors were opened, did you make this preparation? I should think near half an hour, but may be not that long. Israel French said, that it devolved on him to state to the meeting, that as the clerk had disqualified himself by trampling on the discipline, he would propose that another be appointed in his place. Did he state how he had trampled upon it? Not that I heard.

I considered the proposition out of order, in two points of view. It was out of order to make a proposition of such a kind, while the clerk was at the table; and inasmuch as the charge was unfounded, it was additionally so. Were you under dealing? No—I was under no disqualification, as I apprehended, neither did my friends apprehend it. *By the Judge.*—Were there any expressions offered upon the subject, that were in favour of appointing a new clerk? I believe not; though opposition was made by several members as being out of order. You then proceeded to read the opening minute, and to call the representatives? Yes. I think it was before David Hilles was proposed. Do you know who proposed Hilles? I do not. Was it Israel French? I think not. My attention at the time, was pretty closely occupied otherwise. I went on to call the representatives from the different quarters. *By the Judge.*—This proposition to appoint Hilles, was made while you were calling the representatives? Yes. Were the expressions in favour, or against? Some in favour, and some in opposition. The party that had proposed him, spoke in favour, of course. What was done, after you had done calling the representatives? I got through calling the names of representatives, and all answered, except five; two of whom were absent and sent reasons; the others, I believe, were present, but did not answer. Then the assistant clerk, as is usual, took up the reports, and read the introduction. And by the time he had got through, there was considerable clamour, and some were urging the new clerk to go forward. The report from Redstone Quarter had not been placed in my hands; but the assistant clerk informed the meeting, that a duplicate had been placed in his hands, which was signed by the assistant clerk of the Quarter—the clerk not having handed the report to me, as others had done, a day or two before. What number of representatives answered? I cannot state; but believe it was mentioned yesterday.

What preliminary is it necessary to take, before a meeting is organized? It is common for the assembly to sit in silence for a short time; and when it is believed to be a proper season, the clerk, or some other person, makes a move to open the meeting, and then the clerk proceeds to call the representatives. The meeting is then organized for the despatch of other business. The pressing at the door was before this? Yes.

After the assistant clerk got through reading, the confusion increased, so that it was thought best to adjourn the meeting; and a number of the names of disorderly persons were taken down. What was the disorderly conduct? It was urging the clerk to the table. The disturbance continued to increase; and when they appeared to be pushing him towards the table, the way was obstructed; so that I did not see him, to distinguish him from others. A number of persons made themselves very active; and one threw himself, as a man going to swim, upon the heads and shoulders of Friends, and went near to the floor. The last I saw, was his heels above the heads and shoulders of Friends. The next I saw of him, was at my right hand. He came and took hold of the end of the table. At the time, I did not know the young man, but was told his name was Jacob Richards. He appeared to have exerted himself to a high degree; the sweat was rolling down his cheeks on both sides. And about this time, Isaac James had made his way near to the table, at my left hand. I do not know whether it was before, or after Jacob Richards got there. He appeared as if he had had a hard struggle. He said a number of things in a very unbecoming tone of voice, for such a place. Among other things, he said, he had been told, that was the place he was to come to for redress—and you now prevent our entering the house. He said he had as good a right to be in the house as another person. He appeared to avoid using his hands, but seemed to make use of his sides and elbows, in pressing his way; and in a kind of taunting tone, said, that he had used no violence, but several Friends had used violence towards him. At the same time, I thought he was using all the force he well could, to get to the table through the crowd.

As to Hilles, I can't say much; only, that after the violence had been so great that the table was broken, and he had got to the table, I heard him read. While this young man, that I was told was Jacob Richards, had taken hold of the east end of the table, Eli Sidwell, near to him, had hold of it; and some other young man at the right, had hold of it; and it appeared, they were endeavouring to remove it to some other place. A number of Friends, as well as myself, considered it a duty for me to stay at the place near the table; which I did, though I did not take hold of it. Those individuals had hold of it, and a number of Friends; perhaps two or three leaned on it, and endeavoured to keep it to its place. It was quick broken—the legs were, several of them, broken out. Do you know who broke it? It is hard for me to tell. I thought from the cracking of the leg, that Jacob Richards was the one. He was charged with it. I am not positive it was that side—two legs were broken in pretty quick succession. Previous to



this, they had jerked the bar from the door, and burst it open. I believe it was done by Richards. It was either him or Sidwell. But I think it was Richards. After the legs were broken, they still kept hold of the leaves, pushing it violently; and said, "let us put it out of doors." I do not know who said it. But pretty soon after this, the violence of the press increased, so that they got me pushed against the jamb of the door.

Previous to the table being pushed, a Friend had come in between me and the table, but he got rather out of that position, and I got against the door, and the table came partly against me. They got me in that position, and were pushing violently. I was very apprehensive for a time, that I should have lost my breath. They had crushed my hat over my face, so that I could not tell; but I think Sidwell and Richards were at my right hand. Was the press by the young men you speak of? Yes it was. After Friends assisted in getting me out, I was soon pushed out the door. And soon after I was landed on the ground, I heard a voice of exultation, (when Hilles got to the table, and myself removed,) huzza for Jackson! Did you see Hilles, when you were pushed out of the door? I did not. There was a crowd at my right hand, and I had sufficient to attend to. After I had recovered myself a little, though I felt very much hurt, I thought it my duty to go into the house again, as clerk of the meeting; which I did. I went to the right of the seat, and soon after, a proposition was made to adjourn the meeting. The assistant clerk called the representatives, and they gave assent to the adjournment of the meeting; and shortly after, we adjourned till the next day. Were you there the next day? I was not; I was in bed. After I got out of the house, and the meeting had adjourned, I went to Elisha Bates', and got bled, and had other medical aid. And after staying an hour or two, I was taken home. Was there any objection made to the adjournment? I do not recollect that there was, there may have been. Who made the proposition to adjourn? I believe it was Benjamin W. Ladd. Can you tell the proportion that went, or remained? I am not prepared to say. Do you know the number within the bounds of this Yearly Meeting, as assembled? I did not make any calculation myself; nor did I observe how many remained. Were you present the year before, when you were appointed clerk, in place of Elisha Bates? I was. I think it was mentioned by a Friend, that Elisha Bates was indisposed, and not able to serve the meeting; whether he mentioned my name, or not, I do not know. But some one did, and it was united in, unanimously. I think it was on Sixth-day.

Did you hear Isaac James say any thing about removing from the table, persons that were there? At one period I heard

some person speak of removing them, but do not know that it was Isaac James. It was said, that sufficient time had been given; and it was necessary to make way for the clerk to come to the table. Was that immediately before the crowd pressed upon you? I cannot state, but it appears to me, it was after I came into the house again.

*Cross-examination by Mr. Tappan.*

What arrangements, if any, were made by the orthodox party, to guard the house, previous to the commencement of the meeting; or to guard the entrance to the house, at the time of the meeting? I believe that no improper arrangements were made, to keep any body from entering, who had a right to enter. A person was put in possession of the house on Seventh-day. Were there more than one appointed to this charge? I do not know the number. At what time was the meeting adjourned to on Saturday; and what was the regular hour of meeting on Second-day? At 10 o'clock. I want to know, whether, before 10 o'clock, there had not been some arrangements, out of the common order of discipline? I believe not. It has been common, and we very frequently appoint persons to attend at the doors, to keep the meeting select; to inform those not members, that the meeting is only for the society; which was done at this meeting. What number is generally supplied? I am not able to say—three or four, perhaps half a dozen at each door. Were there more on this occasion? I cannot state positively. Is it a fact, that the passages to the doors, were entirely hemmed up, at the time of meeting? I was inside, and could not observe. I could see that a considerable crowd was at the door. At the time you first came in, there were none in the house but orthodox? According to the constant custom, there had been a committee on Indian concerns, who met at 8 o'clock; but I was engaged, and did not come till about 9. I had not been there more than a quarter of an hour, before the press to get in, took place. Previous to that, had not guards been placed upon the steps; and were not the passages entirely lined? (Here was exhibited a plan of the building, showing the situation of the doors, galleries, table, &c.) Were not those steps, which lead from the ile to the clerk's table, filled? I cannot say. Is it a common seat? It is frequently occupied. After the meeting gathered, the steps were very much crowded. Can you say, you do not know that a combination was entered into, to prevent certain persons from entering the meeting? There was no such combination, to prevent any, except those who were disowned or under dealing. Then your understanding was, that all members of the society, whether composed of orthodox or not, had a right to come into the house? There certainly was no intention to

prevent them. You say, then, that the Quakers had a right to come in, that is, any individual who had a right in the society? Yes. Had any of those, whom you denominate Hicksites, a right to come there? Certainly. Do you know, whether those who attempted to come in, when they were shut out, were, or were not, Hicksites or Quakers? Well, as to that, I am not able to state what party they were of; only, that I suspected they were a mixture; but from their actions, I suppose they were Hicksites. What was the occasion for pulling them in—who opposed them, so that it was necessary to help them in? Those who were placed as door-keepers endeavoured to prevent them. I understand you, that the party whom you call Hicksites, all had a right there? Yes. Were not these guards, and the Hicksites, the two parties engaged? Yes. If they had equal rights, then every person ought to proceed according to the rules and discipline of the church? Yes. Is it correct, for any one to submit a proposition, that the former clerk has disqualified himself, if he believes it to be so? I suppose any person would be at liberty to make such a statement; but if the meeting did not think it in order, they would not act upon it. If this were agreed to by a majority of those having equal rights, would it not be thereby carried? I should not consider that it would be. But I have not said, that all individuals had an equal voice. They have a right to come into the house, and to sit there, and each has a right to discuss any matter, and to give his opinion, when a question is under discussion. Is it proper for the clerk to go on with business, when a question is under discussion? I, as clerk, did not consider there was any question under discussion. You made the distinction, then, that the Yearly Meeting of Ohio consisted of orthodox? There were members that belonged to the Yearly Meeting, who were not considered as orthodox, that were still members. The Yearly Meeting of Ohio consists of five Quarterly Meetings; will you state the names of them, if you please? Redstone, Short Creek, Salem, Stillwater, and New Garden.

You say, all the reports had been handed in, except the one from Redstone? Yes. Do you know who was the regular clerk of that Quarterly Meeting? I was at the Quarter, and I believe David Hilles was the clerk. The person who is here, as one of the defendants? Yes. Who produced the paper from that Quarter? It was not signed by David Hilles, but by the assistant. Should not all those papers be signed by the clerk? Yes—but there are cases in which it would do without. Did you ever know a case, in which a copy, signed by the assistant clerk, could take the precedence of that signed by the regular clerk? I never did; nor did I ever know a case in which the report was withheld by the clerk. Has there not been a divi-

sion of those Quarters, which formerly constituted the society of Friends? I cannot speak with certainty of any but our own, I am not able to state any thing of New Garden, only from hearsay. Is it not well known, that the representatives who came from this Quarter to the Yearly Meeting, were seceders from that Quarter? I do not consider that they were seceders. Who signed the report from New Garden as clerk? I believe it was Joseph Fisher. Was the person that signed that paper the clerk? (This question was objected to, as the reports and records were then present; and replied to; we expect to show that all these are incorrect, and that we have the correct ones, and we merely inquire, whether they have the names of the clerks, as each report should have the name of the clerk; but it is not found on record in the book.) Witness proceeds—I did not see Hilles when this crowd was coming up, to know him, at all, for I had removed to some distance, and there was a considerable crowd between us.

At the time the proposition was made to appoint a new clerk, had you opened your papers? It was before I read the opening minute, but I was about preparing the minute. Was this proposition agreed to by the meeting present? I did not consider that it was, in a meeting capacity. There were a number of voices uniting, but it was in a very unbecoming manner; and many voices at once. It appeared to be an approbation, but a number expressed together, which was very disorderly. I think I began to read before the name of Hilles was announced. The proposition was objected to. Was it by more than two? I am not willing to say: it was not a large number. It was considered so much out of order, that I went on. If the same number of voices had come from the orthodox side, and as few from the other side, would you not have suspended operations? I think not, if it had been done in the same manner. Suppose there were grounds of accusation against the clerk—suppose there had been just cause? In that case, I suppose it would have been proper to have suspended business. Well, does the clerk always judge, whether the people have cause to act? Not exclusively. Suppose the whole people had seen cause to appoint a new clerk, and you had thought otherwise, would you have proceeded? No, I would not. Even if you had thought there was no cause? No.

Have not the members, when assembled, power to appoint a new clerk? Circumstances of that kind have seldom occurred; but I suppose it may be said, they would have the right. Then the persons composing the Yearly Meeting, are really the judges of the case? The representatives, it is generally understood, have the appointment of clerk. But if the meeting, in their collective capacity, saw fit, they would have the right? Yes. You were appointed that way yourself, were

you? I was appointed by the meeting. At the time that you were appointed, did the representatives act separately from the meeting? No. Did they ever take to themselves, the right to act separately from their brethren in attendance, on any occasion? No, I never knew any need of it; we have always got along without.

Now, as it regards the representative power; I understand that the Yearly Meeting is composed of those who represent the Quarterly Meetings, and all those within the limits of the Yearly Meeting, and those from other parts who are in good standing? It has been the usage of society, that the meeting should be composed in that way; but, notwithstanding, there would be no Yearly Meeting except the representatives attended. And if they attended, and no other persons, they would be qualified to hold a Yearly Meeting. Suppose that the representatives from four Quarters were present, and the representatives from one not present, but their report there; would not all the five quarters be represented, so that the proceedings would be regular, and binding upon all? I cannot say whether the meeting would consider it legal; but they would hold a Yearly Meeting. Suppose the reports from four Quarters were sent up, but the representatives did not attend, and the representatives did attend from the one quarter; would there not be a Yearly Meeting? I think not. Is there any thing in the discipline, or writings of the society, which goes to show that? I believe not. When the copy of a report from Redstone Quarter was referred to, was the sense of the meeting taken on that? I think there was an expression, that it would be accepted. The clerk mentioned that the duplicate was there. Who proposed its being accepted? I do not know who made the statement; but some one said it, and no objection was made. Did not the pushing and crowding, about that time, arise from persons arraying themselves in the ile, and near the table? It was closely filled around the table. And did they not move up to fill that place? I think it was pretty full all the time, from the time the meeting gathered.

Was not the breaking of the table, in consequence of resistance by power? I think the table would not have been broken, if certain individuals had not taken hold of it—if those disorderly persons had kept where they ought to have kept. Did not the orthodox pull some? I did not discover that they pulled; they leaned on it. At the time you got up against the door jamb, was it not in consequence of your party pulling the table towards you? It was pushed that way. Which party occupied the galleries, and filled them? The galleries, a number of them, were pretty early filled by the committee on Indian concerns, and strangers from a distance, who had taken their seats—it was a pretty large committee. Were they

not all orthodox? I think it probable they were. Of what number did it consist? I am not able to ascertain the number. Do you suppose there were two hundred? No, not the half of it. Did not some one pull you out of the door? I was not sensible of any person behind me, but it was said that some one pulled me. Was not this about the time the alarm was given? No, the alarm was given before that—considerably before that; for I looked up, and believed it to be a stratagem. The alarm was over before that. When Hilles was requested to take the clerk's seat, and the members began to move up that way, did you see any striking? I saw Benjamin W. Ladd raise up his hands, as if to prevent others from coming, but the crowd all round was so thick I could not see. (He, the witness, gave some explanation about the relative position of those who surrounded him.) Did not you raise up your hands, and say, "the gallery is falling?" I did not do any such thing.

On Seventh-day, were not Belangee and others excluded from coming into the meeting of ministers and elders? James Belangee would not have been prevented had he applied. Was not Belangee excluded? I believe he chose to stay out with others.

*Questioned by Mr. Wright for the prosecution.*—Does not the clerk act as the presiding officer in the Yearly Meeting; and if difficulty arises, is it not the duty of the clerk to explain it? Yes, if he understands it. During this commotion, about taking the table, was there any request made for you to explain the usage of the meeting? Not at all. As to the report from Redstone Quarter; was there any request, that you should vary your decision? I don't remember any. Is that the report? (handing a paper.) It is, and it is signed by the assistant clerk. Is the door, back of the clerk, used for entering the house? No, it is kept shut, excepting in very warm weather. There is, I think, no step: it is about two feet down. Is there any gate leading to the yard, back? No, it is a secluded yard. Who opened the door? I believe it was Jacob Richards. After you were pushed out of the door, were the persons you saw there Hicksites? I am not able to state. Were they probably persons who had been pushed out? I believe not. As to the part that is called the ministers' gallery; is the ile leading to it closed by a gate or door? No: there was no obstruction in the way; nothing but the crowd of people. Were others there, than those engaged in the Yearly Meeting business, before the doors were opened in the morning? I don't know that there were, except strangers—those that were guards and representatives being in the women's room. At the time the door was about to be opened, they came in. I know of no preconcert. I came into the committee about 9 o'clock, and took my seat.

Do you say that all individuals have equal privileges and powers? I did not say powers: I consider that the representatives are clothed with power, when it becomes necessary, but I never knew an instance. Did you ever know a meeting to appoint a clerk, except in the instance mentioned? I think not. When I was appointed, there was not a dissenting voice.

*Cross-examination resumed.*—Have you not known instances of the appointment of clerk by the Yearly Meeting? The clerk is usually appointed by the meeting, with the nomination of the representatives. Were you not present at Indiana Yearly Meeting, when the same thing happened? No.

*Jordan Harrison affirmed.*—Witness stated that he was clerk of Short Creek Monthly Meeting.

*Questioned by Mr. Wright.*—Is Isaac James a member of the Monthly Meeting of which you are clerk? He was a member. (Here witness read from the records of the meeting, dated the 22d of Seventh-month, 1828, a minute, respecting a committee to prepare testimonies, &c.; and also a minute, showing, that said committee had produced testimonies of disownment against Isaac James, &c.; that these were separately read, approved, and signed; and also showing that a committee had waited on James, with a testimony of disownment, and informed him of his right to appeal.) This testimony was made out by the committee, and signed by me. Did you deliver it to the committee? I did, and they returned it to me, and I have it now. He did not appeal. Do you know any way in which an officer, and member of the society, can be disqualified, other than by dealing and disownment, by the meeting to which he belongs? I do not. Could the clerk be disqualified, except by disownment? He might if he had been under dealing for a violation of discipline; but it must be in the Monthly Meeting of which he is a member; and if he be a transgressor in any respect, he is then considered, in our phrase, to be under dealing, and disqualified from sitting.

*Mr. Wright* here read the following testimony of disownment.

“Isaac James, having had a right of membership among us, but having associated himself with others, in resisting the subordination of the Monthly, to the Quarterly Meeting, in holding meetings contrary thereto; and having been treated with, he not appearing in a suitable disposition of mind to condemn his deviation; we, therefore, disown him from being a member of our religious society.

Signed in, and by order of, Short Creek Monthly Meeting, held the 22d day of Seventh-month, 1828.

JORDAN HARRISON, Clerk.”

Are you the clerk for the Meeting for Sufferings? Yes. What constitutes this meeting? It consists of twenty-six



members, appointed by the Yearly Meeting, with an addition of four from each Quarterly Meeting, be the Quarters few or many. Those coming from other Meetings for Sufferings, and approved ministers, have a disciplinary right to sit with us. What is the office of the Meeting for Sufferings? It is, to act in the recess of the Yearly Meeting, as explained in the discipline. The Meeting for Sufferings consists of active members, and acts in place of the Yearly Meeting in their recess. And when they think it advisable, they have issued testimonies of advice; they attend to all cases which they think suffering, whether as to property or doctrine—if they are liable to be prostrated, it becomes the duty of the Meeting for Sufferings, to extend advice or assistance, and to call on the treasurer of the Yearly Meeting for the expenses. It is considered the duty of the representatives of the Yearly Meeting, to take care of all suffering cases during the recess.

Were there any Hicksites in the Meeting for Sufferings of Ohio Yearly Meeting? No. Were there any in the committee on Indian concerns? No. I am not aware that there were any such in attendance. I think, that very few have ever belonged to that committee, since I became a member of it. Is it among the duties of the Meeting for Sufferings, to appoint committees to attend the Monthly, or Quarterly Meetings? I do not know that it is stated in the discipline, that they should appoint committees, but that they should extend care; and committees have been the usual way, except by epistolary advice. The general practice has been by committees, in the Meeting for Sufferings for Ohio Yearly Meeting. It has, at distant periods, appointed committees to attend Monthly Meetings; and, in a more recent case, Quarterly Meetings. How does this Meeting for Sufferings act, while the Yearly Meeting is in session—Does it make a report when the Yearly Meeting assembles? Yes. Does it report to the Yearly Meeting? Yes. To which body did the Meeting for Sufferings report this fall—Did they report to those who held their sitting at Short Creek house, after being expelled by Hilles and his company? Yes. Does not the treasurer hold himself accountable to this Meeting for Sufferings? Yes, he does. Did any of the Meeting for Sufferings—separate and go with the Hicksites? Not one, I believe. Have not the members of the Meeting for Sufferings, for a long time acted in that situation, having been appointed before there was any division in the society? Yes—I suppose a very large majority of them. There is a provision, that, when any member of the meeting shall greatly neglect the duties of the meeting, be removed by death, or other removal; notice be given, and his place supplied. Some by removal—some by disease—some on account of neglect of attendance, have been supplied; still, the largest

number are of the old members, who have continued, since the change, about half a dozen years ago. I think, ten or a dozen would be all that have been changed.

To whom did visiting Friends from other Yearly Meetings unite themselves—With this meeting, with Meeting for Sufferings, or any other body? They sat with this meeting when they did attend, although they did not attend every time.

*Cross-examination by Mr. Kennon.*—Does every Monthly Meeting possess certain territorial limits? No other than the local situation of those belonging to the subordinate meetings; there is no geographical line. To which meeting did Isaac James belong? To Concord; but that meeting had been laid down. Were you present at the Quarter, at the time Concord Monthly Meeting was laid down? I think I was. Was there any opposition to laying down that meeting? I believe there were some individuals who objected. Did you ever know a Monthly Meeting—Here *Mr. Wright* objected to the inquiry, as to the regularity of the proceedings of Short Creek Quarterly Meeting, in laying down Concord Monthly Meeting. We object to the introduction of such testimony for this reason; that an appellate right exists in the Quarterly Meeting to the Yearly Meeting, and in the Monthly Meeting to the Quarterly Meeting. There is a connexion and dependence, provided by the discipline, running from the lower branches up to the supervisory control of the Yearly Meeting. I put it upon the footing precisely, of a judgment in our courts of justice. If the court have jurisdiction of the subject matter, the regularity of the proceeding cannot be inquired into; but the judgment must be esteemed as binding, and obligatory upon every person, till brought to the superior tribunal and reversed. It is obligatory, and stands in full force till it shall be reversed. I will refer to one single example within my recollection. That is, where the proceeding is so palpably gross, as to make it null and void. We will take the case of a justice of the peace (to get one familiar to our common experience.) Should it appear by the record of his docket, that he had proceeded to try an action of slander; that, I apprehend, would be an irregularity of proceeding, so gross, as to make it null and void; it being a subject not embraced within his jurisdiction. We will take another case, where it appears by reference to the record, that a party never had any notice of the commencement of a suit, or any day in court—in that case, the subject matter is within the jurisdiction of the court—yet, it is one among the fundamental principles of our jurisprudence, that the parties shall have a day in court. And if that principle be a correct one, and this case is apposite, there appears to be no difficulty. I therefore object to going into an ex-

amination of the witness, as to the subject matter, over which the meeting had jurisdiction.

*Mr. Tappan.*—We take this position: that a Quarterly Meeting has no right to lay down a Monthly Meeting, without their consent. Here Mr. Tappan read from the book of discipline, page 29, “no Quarterly Meeting should be set up, or laid down, without the consent of the Yearly Meeting; no Monthly Meeting, without the consent of the Quarterly Meeting; nor any preparative or other meeting for business or worship, until application to the Monthly Meeting be first made; and when there approved, the consent of the Quarterly Meeting be also obtained.” Also, no meeting for worship, intended to consist of Friends, belonging to two or more Monthly Meetings, shall be established, until the proposal be offered to and approved by those Monthly Meetings, and the consent of their respective Quarterly Meeting or Meetings be obtained.” We want to show, that a Quarterly Meeting had no right to lay down that meeting; and we ask to know the manner in which it was done, in order to show that they proceeded without authority. It is claimed on the side of the orthodox, that James was a disowned member. When a man belongs to a religious society, he has certain rights, and can be deprived of these rights, only, according to the rules of the society of which he is a member. Whether a man be raised in the society, or admitted as a member, or any other way, when he becomes a member, he has, according to the testimony which you have heard, an equal right to attend and express his opinion.

It is pretended here, that this Isaac James has been deprived of this right, which could only be, by regular proceedings, according to the discipline of the church. If then, it be important for them to show that he has been regularly disowned, and has no rights, it is important for us to show, that he was not regularly disowned as a member; and that the meeting which exercised this authority over him, had, by the discipline, no such power to lay down that meeting, except by application and consent. The discipline does not permit them to lay down a Monthly Meeting, except by application. It is not a matter of compulsion, but is a matter that follows from the request of the subordinate meeting, and is only used, when it is desirable to promote the convenience of a Monthly Meeting. To exercise this power in the way that it has been exercised, by the orthodox, to destroy those whom they dislike, is not authorized by the discipline of the church. In that point of view, we deem the testimony material. The court will recollect, that the other side have given evidence to prove that James had been disowned; and we wish to show that the disownment was illegal. We say that it was altogether ille-

gal from beginning to end. We wish to prove to the court, that Concord Monthly Meeting has continued to exist, and that James is yet a member there. *Adjourned till 2 o'clock, P. M.*

*Thursday, 2 o'clock, P. M.*

*The Judge* said he understood it to be proven, that Concord Monthly Meeting was laid down by the Short Creek Quarterly Meeting; if that had been proven, the testimony in question was unnecessary.

*Mr. Wright* said he understood, consent was neither asked nor obtained; but in the Quarterly Meeting, when the Monthly Meeting was laid down, there were only two or three voices heard in opposition. Mr. James was in fact a member of Concord Meeting, and the order laying it down, also attached the members to Short Creek Monthly Meeting.

*The Judge.*—Go on with the witness.

*Cross-examination resumed by Mr. Tappan.*—Before this difficulty arose in your society, did you ever know a Monthly Meeting attached to any Quarterly Meeting without its consent? I have known instances of meetings being laid down for certain purposes, and attached to other meetings. Have you ever known of a Monthly Meeting being set up, without application being made? I think not; but there are applications made in different ways, and sometimes by request. It has been considered a rule of society, that there should be some request. You say that you were present at the laying down of this Monthly Meeting? Yes. Did Concord Meeting agree to it? I think there was some objection, and I am glad to have an opportunity to explain. One objected, and another said that Friends had better be careful what they were doing. Was there any application made for that Monthly Meeting to be laid down? No, not in the character of a Monthly Meeting. Did you ever know a Monthly Meeting attached to another meeting, without its consent? There is discipline which shows that no Monthly Meeting shall be laid down without consent of the Quarter. Were you present at the Yearly Meeting of Ohio? Yes. What time did you go in? About 8 o'clock. Were you in when Israel French made the proposition? I was. Was it before or after Jonathan Taylor read the opening minute? He made the proposition, and then paused a little space, during which interval, if my memory serves me right, Jonathan Taylor opened the meeting. The proposition was then renewed, and David Hilles named. When he said it devolved on him, &c. were there any that concurred in the proposition? I think not till Jonathan Taylor read the opening minute, and then the voices were heard. I think he said it devolved on him to state, that the clerks had so conducted since, or during the last year, as to render them incompetent to open the meet-

ing. Was the meeting quiet? It was; and, as I understand, immediately after, Jonathan Taylor proceeded. Israel was just before me, and I urged him to be quiet, and not disturb the meeting. I told him to wait till the representatives brought forth a name, and then would be the time to object. Jonathan Taylor read the opening minute, and Israel added, that he had trampled upon the discipline. Who nominated David Hilles as clerk? After speaking to Israel, he passed into the crowd, and I cannot say who named him. After he was named, were there not a great many voices in favour of him? There were a great many. Were there any against it? Yes—there were not many that spoke. I did hear some speak. Well, how many do you suppose spoke in favour of it? I cannot say. Do you not think there were as many as a hundred that spoke in favour of it? There might have been. I suppose that all who continued in meeting spoke. Can you form any idea of the number of individuals? I cannot. If there had been no division, the meeting remaining as before this division took place, and the nomination had been made, and the same number of voices approved it, would you not have considered it binding? No, not if it had been done in that disorderly manner. But if it had been orderly? It could not be in order, because the meeting was not organized.

Suppose that a few moments before the meeting was about to be organized, Jonathan Taylor had committed murder; would it have been proper for Jonathan Taylor to open the meeting? Extraordinary cases produce extraordinary measures. Is there any other power that can put Jonathan Taylor under dealing, except his Monthly Meeting? No. It belongs to his own Monthly Meeting then? Yes. Are representatives known as such till called by the clerk? They are not fairly known, for they cannot be announced as representatives, till the reports are received and their names called. Yet it is always presumable in the gathering of the Yearly Meeting, that the representatives are in the house. But how do you ascertain that there are representatives there? By the clerk's calling their names, and reading the reports; that is the way we know them. Are they, by the meeting, considered in a representative capacity till they are called? They appear to be by the discipline, inasmuch as they are ordered to perform an official duty. The clerk is in office from one year to another. Is he acting as an organ of the meeting before the meeting is called? It seems to be so by the discipline; so far that he is to act previous to the opening of the meeting. Suppose that just previous to the time he receives these reports, he conducts so improperly, that the representatives are not willing to put the reports into his hands? In such case, I think they would probably make a deputation, to announce

the circumstance to the meeting generally. Do you know that Israel French did not do that very thing, for the representatives? We have proof to the contrary from the clerk, who has the reports. Were you in the meeting the day before that? I was. Did you hear Jonathan Taylor tell any one to sit down? I heard him request Amos Peaslee to do it: he did it not more than once that I heard. Was Peaslee speaking as a minister? He was speaking in the ministers' gallery, and had the appearance of one in that engagement. If he had been a regular minister of the society, would not that have been sufficient to disqualify Jonathan Taylor? (Answer not heard.) Then, because he may not be censured, except in his own meeting, no matter how immoral he is? (Not understood.) Is not the Yearly Meeting, in itself, supreme and independent of other Yearly Meetings? It has the privilege of making certain laws and rules of discipline for itself, yet acknowledging itself a circumscribed branch of the general society, with whom it holds correspondence, and receives epistles, with all other Yearly Meetings established in the world.

Has not David Hilles been a member of the Meeting for Sufferings? He had been, but was not at the time of the Yearly Meeting. How was he deprived of his situation in that meeting? Probably by his own Quarterly Meeting. A part of the persons present, at the time of the Yearly Meeting, went to Short Creek house? Yes, the society was excluded at Mount Pleasant, and went to Short Creek house. That building is stated to be 45 by 70, exclusive of the sheds; is it divided into two parts for women and men? Yes, the length is divided in half. The house was full. And how many were there outside? I got in every day, and can't tell how many there were outside; I do not know whether the shed accommodated them. There were seats arranged with boards. I do not recollect, but I suppose they were 10 or 15 feet in length; and there were two rows, the whole width of the house. Can you form any idea of the number of men outside? I cannot. Should you suppose there were fifty? Yes, I should suppose there were more than fifty.

*Re-examined by Mr. Wright.*—Where your discipline fails to provide a specific rule, how do you get along? I apprehend it might be answered, that we are influenced by what we conceive to be the spirit of the discipline. We endeavour to make our acts in unison and accordance with other acts the most similar. I understand you to say, that two persons spoke, when the proposition for laying down Concord Monthly Meetings was before the Quarter. About how many were there probably present, from that meeting at the time—was it a large meeting? No it was not very large. One objected, and the other gave the caution I have mentioned. Do you know if the



ministers and elders, if there be any such in that meeting, concurred in the measure? The elders did, and the overseers. There were none of the ministers, acknowledged as such, that concurred in the proposition. When the meeting was laid down, did the representatives from Concord make any objection? (Answer not understood.) Did the representatives from any other meeting make objection? No.

*Cross-examined by Mr. Tappan.*—Did you say, that the elders belonging to Concord united in it? I said so. Do you know it, of your own knowledge? I think I do. Do you recollect that one of the members, not of that meeting, said that the members of Concord Meeting had not a right to speak? I do not.

*Isaac Branson affirmed.*—Witness testified to a paper which he held in his hand, purporting to be a testimony of disownment issued against Isaac James, (a copy of which has already been given.) Witness said he offered it to Isaac James, but he refused to take it: could not state the exact time, but it was before the Yearly Meeting at Mount Pleasant. Witness told him he had better look at it, he might not know what it was. He would not accept it. He was also informed of his right to appeal. This duty was performed for the service of the meeting.

*Benjamin W. Ladd affirmed.*—Are you a member of the society of Friends? I am. Are you clerk to the Meeting for Sufferings? No. I am clerk to the Yearly Meeting of ministers and elders, and have been for a number of years. It is considered as belonging to Ohio Yearly Meeting, and is known as such, in the printed discipline of the Yearly Meeting, and the time and place of meeting are known in the discipline. Of how many members does it consist? I hold in my hand, a list of the names of the members composing that Yearly Meeting. The whole number is one hundred and thirty-nine; all belonging to this Yearly Meeting. Did you assemble with the meeting? We assembled on the 6th day of Ninth-month, which was the Seventh-day of the week preceding the general meeting, and I acted as clerk of the meeting. Is it the habit of that meeting, to receive reports from other meetings? It is, to receive reports from the Quarterly Select Meetings of the same character, that is, ministers and elders. There were reports and representatives from all the Quarterly Meetings. How long did you continue in session? Till as late as the 15th or 16th of the month. I want to know whether the ministers and elders went with those who retained the meeting house? The great body of the society united after the great disturbance, at Short Creek house; and as near as I can tell, only eighteen out of one hundred and thirty-nine united with what we call the Separatists.



Were you present at the Yearly Meeting on the 8th of the month? I met there with the committee on Indian concerns, at 8, or about that time. The committee progressed with business, I think, till a little after 9, perhaps a quarter. The day was inclement, and the rain was falling. The people were pressing and crowding outside, and on that account the committee adjourned, that the people might get in. We adjourned I think about a quarter after nine, and two doors were then opened. I think it was concluded that the two doors would be sufficient, and they were opened, about a quarter after nine, and the people assembled, and came into the house, as I conceive, in a very disorderly manner. I observed them coming in, in crowds, and distinguished among them some that had been disowned. It was, by the time they were generally in, 10 o'clock. The meeting sat awhile, as it is usual to have a retirement, or what we call a solemn pause, and frequently preaching or vocal supplication. And that morning Thomas Shillitoe appeared in supplication; how long he was engaged I cannot say; perhaps thirty minutes: soon after he rose from his knees, and after a short pause, Jonathan Taylor was preparing his papers to open the meeting, I discovered Israel French. He began by stating that the present clerk had disqualified himself, and he would propose that another be appointed, or something to that effect; the true words I will not undertake to repeat. By the time he had finished, Jonathan Taylor was prepared to read our opening minute, and stood up and read it; and proceeded pretty soon to call the representatives. I am not sure, that it was while he was engaged, that some person named David Hilles as clerk, but the proposition was concurred with by a number of persons. There was a burst of voices immediately uniting with David Hilles being clerk of the meeting. I did not myself consider the proposition or motion to be at all in order, or that it could at all be entertained. I did not speak to it, but several spoke, and some said there was a clerk at the table. I considered that it was out of order, and did not deserve to be noticed by the meeting.

About this time, the assistant clerk, Amos E. Kimberley, read what we call the introduction, or address from the several Quarterly Meetings, and the signatures of the clerks' names from at least four of the Quarterly Meetings. I think he mentioned, that there was a copy of the report from Redstone Quarterly Meeting, signed by the assistant clerk. And the proposition was made, whether that should be taken as the report; as the one signed by the clerk, had not been delivered by him, as the discipline directs, previous to the assembling of the meeting. And there were, to my understanding, a number of voices in the affirmative, concurring, that the report handed in by the

assistant clerk, should be received, to make it the act of the meeting. And when the whole number were called, including those from Redstone Quarter, I think all answered but five; for two of whom, reasons were rendered, I think in writing. And it was considered that the three were present, and declined embodying themselves with the meeting. Did you know any of those present? I think David Hilles was one, and he was present I know. And at the time the assistant clerk was reading the reports, or introductions and signatures, those who favoured David Hilles becoming clerk, were urging his coming to the table; and they continued to urge, that he should come to the table; and many of the members of the meeting were put in motion. I observed David Hilles—I did not see him when he started from his seat, but I saw him coming up the passage towards the stove; and I did admire, to see him use the exertion which he did, to work his way through the crowd, for the passage, before that time, was very much crowded with persons.

After David Hilles got to the stove, I paid little attention to him. My attention being to other parts of the meeting, I did not know much of him, till I saw him in the ministers' gallery, between me and where the table had stood. After getting there—there was a time that he hesitated what further to do. He did not immediately proceed to take upon himself the office of clerk, but after a time, he did—after a person, I think, had handed him the drawer of the table which had been broken. And, I think, I saw him writing some on it, having his paper on the bottom of the drawer that belonged to the table, before it was broken. I think he wrote some, but I am not positive. He then stood up, and read a minute in the usual form, "at Ohio Yearly Meeting, held at Mount Pleasant, the 8th day of Ninth-month, 1828." I have heard something of his reading a similar minute at the stove; but if he did, I did not hear it. But I heard him distinctly read, after he had got into the ministers' gallery; and I observed, that David Hilles had become a disturber of the meeting, for he had undertaken to become the organ of, what I considered, the greatest mob I had ever witnessed.

Pretty soon after that, I inquired if Jonathan Taylor was in the meeting, for I was standing on the seat where the ministers and elders usually sit, and I knew he had lost his regular situation. I inquired if Jonathan Taylor was in the house. It was replied that he was in the house. I found that he was something between his usual situation, and the women's part of the house. After I found he was in the house, I think I proposed, that the meeting should adjourn. And in order to make it unquestionable, in that confused state, I believe I proposed, that the representatives should be called, and an-

swer, saying whether they united in the adjournment, or consented to the adjournment. I think they were called by the assistant clerk. As far as I have any recollection, all that answered concurred. Were there a considerable number that did not answer? I can't say positively, but my impression is, that a large majority answered and concurred. The meeting was then regularly adjourned, by reading a minute to that effect, to the 10th hour the next day. At the time there was a contest about the table, a person at my left hand, mentioned something like, let us surrender, or, had we not better surrender. I remember very well, that Samuel Bettle, from Philadelphia, spoke to him, and said he had better be quiet. After that, I remained till the orthodox retired—I was among the last, and observed that person continue with those that remained, and that person was professing to be orthodox; but he was, in fact, one of the party that was struggling for the house, and he remained with the company.

As to the number that withdrew, and remained, it is conjecture; but if I were to express an opinion, I should say, that at least two-thirds retired. I went round and took a deliberate view of the women that remained, and I saw them engaged at the south-east part of their apartment; and there was not as large a number of women as men. I do not think their number exceeded one-fourth. Did you feel any thing like alarm at the galleries falling? I did; and I had as much right to be alarmed as any body, for I was sitting under the sounding board. I felt some alarm and some consternation. But I took as deliberate a view as could be expected, under such circumstances, and saw nothing giving way; I removed very little, and then remained till all was over. Did the body of men move up simultaneously, at the time the great scuffle took place? I had been shoved out of my place towards the east, and was near the centre, on a short bench that holds but three persons. I will state how I lost my seat. I discovered over the head of Thomas Shillitoe, who sat at my left hand, Isaac James coming up, and when I saw him coming up over the three seats below me, and over the heads of those that sat on these seats, and when coming over the last, I stepped upon my seat, and put my hands upon him, and did for a time endeavour to prevent him from coming over. He was sweating, and seemed as if he had used great exertion; but his strength was still sufficient to overcome mine, and he was soon over in the ministers' gallery, and made his way to the table. I do not know what become of him after that, for I could not see, or know but little about it, as between me and the table, were several persons that never before had a place in the ministers' gallery, and they were striving to obtain the table. Did they move simultaneously? They did. They appeared to have

in view, to obtain the place that Jonathan Taylor had occupied—that seemed to be the great object. I considered myself at liberty to oppose Isaac James from coming into the ministers' gallery, as he had no right in the house. He had no right in the meeting, and no right to be there. I was acquainted with the statute law, protecting religious societies; and knew, that in our discipline, it is made the duty of elders, particularly, to see that our meetings for discipline are select; and that persons disowned, and those who have never had a right, shall not be present in these meetings. And I considered myself justified, in opposing Isaac James in coming there; and should have considered myself authorized, had I possessed the power, to remove him out of the house.

How long have you been a member of the society? I was raised a member. Was the conduct of these people according to the usual mode of the society? I never saw any thing of the kind; it was more like a mob, in character and appearance, than like a religious assembly. Who are entitled to set in the ministers' gallery? In the first place, we give place to strange ministers; in the second place, to other approved ministers; and if more room than that remains unoccupied, the elders mix with them, in occupying the highest seat. Is it not a universal observance, to go through the ile, instead of climbing over the bench railings? I never saw a person in a religious meeting, attempt to come up in that way before. Was there no other question than that of Israel French before the meeting? I did not consider that in order; neither did the body of representatives consider it a subject submitted to the meeting. Was it acted upon in the usual way? It was not. I consider the whole proceeding entirely irregular. Do you recollect whether Isaac James, or David Hilles, took hold of the table? I do not, there were too many between us.

*Cross-examination by Mr. Tappan.*—Do you not know, that David Hilles did not take hold of the table? I do not. Did you ever see the steps, leading to the ministers' gallery, occupied by a dense mass of people before meeting—as thick as they were at this meeting? I think I never did. I never saw the house so much crowded. How many persons were engaged in removing the table, on the part of those you call Hicksites? I do not know particularly, because I did not attend to the transactions at the table. When the attempt was made to bring Hilles to the table, did not the orthodox rise up? I believe those who had taken their seats in the early part of the meeting, on the stairs, generally rose up. Well, did they not push back? I think they did at least stand firmly. Quite as much as was proper for men of your religious sentiments? Could Mr. Hilles have got up to the place of the clerk, without removing some of these men? It would be almost impos-

sible, and I admired at the attempt; the men standing in the passage formed a body so dense, that it did appear to me almost impossible. You thought the fortification impregnable? You did not know Hilles to be where they were engaged in removing the table? I cannot say. Was it not about an equal match for strength on each side, and was there not as much force used in the gallery, as by those who made the attack? I cannot say positively.

You have said, that you considered the motion made by Mr. French out of order; was not Mr. French a regular member? I did not think him a regular member. Though he was not disowned nor under dealing? He had attended many private meetings and conferences of what we call the Hicksite party. He had become doubtful in his faith and practice? Yes, he had in our meetings given frequent evidence, that he was not exactly one with us. Is not a member of your society considered a member till he is under dealing? Yes. Then he was a member, and had a right to be there, and make a proposition? Yes, if in order; and if out of order, it must meet that respect it might seem to deserve. In Ohio Yearly Meeting, are not all the members on an equality, as to right, or have you any set of men who have a right to dominion over others? Not absolute dominion, but there is a certain preference to be given towards years, and to some, more than to others; for some do manifest that they have by life and conversation, attained to a higher religious growth; and they are, of course, entitled to more respect than those who have walked disorderly. How do you determine this; have you scales to weigh them? We weigh them in our own minds. As to weight of character; you speak of your own estimate—how is it with others? I have understood, that when a person is a member of your society, he has a right to attend the Yearly Meeting, and a right to be heard there—I also understand from you, that some members have more weight than others, more religious experience, and that the sentiments of some have more influence than others—Is it because they have more influence with you, or is it their right? Is there a legal right to more influence? As to the term legal, we do not generally apply it in a religious point of view.

Are there any number of members, whose voices would have more weight than the voices of an equal number of other members? Certainly, in matters under consideration in a meeting of discipline, the opinions or sentiments of some individuals do weigh more than those of others. As in an assembly of men of different ages, for any purpose, the aged men have more respect shown them than others. I have described it in a previous answer, that those who have attained to greater religious experience, are entitled to more respect, and their

opinions to more weight. How is this fact to be known by the meeting? It is understood by their lives and conversation. In taking a question, if there were twenty men, of great religious experience, whose lives had placed them on this conspicuous ground, opposed to forty others, would the twenty outweigh the forty? It would depend upon who the forty were; if they had no weight of character and experience, the twenty would outweigh them, and were I the clerk, I should so consider it. The clerks would pay more deference to the twenty, than to the forty? The clerks are generally chosen for their qualifications, to discharge the duties of the office. Would it not then depend on the character and qualifications of the clerk: if the clerk should be with the forty, then they would have the greatest weight? If, in his opinion, they deserved more respect. Then the clerk is not bound by the majority? Never in any instance. The clerk is never bound to respect the majority of members in attendance. But when driven to the necessity of deciding on any subject, in a religious meeting?—That never has been the case until this unhappy difference; but when driven to that necessity, as clerk of the meeting, I should look to the representatives; but we were never driven to the necessity of calling the yeas and nays, but in the one instance. If I understand you now, it is a matter that the clerk has to judge of, and the clerk has the right to decide? It has always rested with the clerk. He has a right to collect the sense of the meeting in the best way he can, and to record it. If it were necessary to decide upon a subject, I would look to the representatives; and then, I do not see how I could avoid looking to the numbers. The meeting has no control over the clerk, about what the clerk sets down; whether agreed to by a majority or minority of members, it goes for the sense of the meeting. Did you ever know any case carried, unless there was a clear majority in favour of it? As to majority, we have never looked to it. Did you ever know a subject carried, when there appeared to be the greatest portion disagreeing with it? I cannot speak of an instance where a question was recorded as carried, when a majority appeared opposed to it. I have hardly ever seen it the case, where a number of respectable individuals, or persons of religious experience, expressed a sentiment, that members of less experience would object to the opinion of such. They have always heretofore acquiesced, or submitted, or condescended: but still, if the majority should be in opposition, the clerk must record against them.

When a man standing as Mr. French did—when a member makes a motion in a Yearly Meeting, has it not been usual for his proposition to be heard? I never knew a proposition so out of order. Was that not a question to determine, and how



were the meeting to act? I suppose if a thousand persons had been present, Benjamin W. Ladd would not have been the whole body? If the Yearly Meeting assembles and has no clerk, or the clerk is disqualified; is it not in the power of that meeting to appoint a clerk? It may be allowed, that if the clerk were not present, it might be proper for a member to name a person for clerk, and if agreed to by the meeting, including the representatives, he would be the clerk; but if a difficulty occurred, it would require the representatives. Does the discipline require any such thing, or was there any reference to representatives, when Taylor was appointed? I was not at the meeting. Did you ever know a meeting to adjourn, by calling over the roll of representatives, and taking their sense upon the subject? I never did; but the reasonableness of the thing occurred to me. I never before saw such necessity for it. Here a proposition was made for an adjournment, the representatives were named, and united with it, before the clerk drew up, or read the adjourned minute? The clerk had no power to do it, without being united in by the meeting.

If the clerk had not been present on Second-day morning, and if no assistant clerk had been there, how would you have opened the meeting? I suppose a person might have been named, and if the proposition had been united with by the representatives in attendance, he might have acted. Are the representatives ever called for, separate from others? There never has been an instance of it, except in the case of clerks. You say a clerk must be appointed, if none be present, and that this must be the first act of the meeting—that they could not proceed without a clerk, unless the representatives chose to collect together, in some part of the house, or to retire, and agree on some one? But suppose the great majority of the meeting should be of opinion, that the clerk is disqualified to act; is it not in the power of the meeting to determine the fact? It is a matter of opinion; I have never seen such a case. Who could determine it, and who is to decide but the meeting? I should think in every instance of that kind, it must be for some previous conduct or offence, and that something would be done before; I have never known a Yearly Meeting to take cognizance of such a case.

You admit that the Yearly Meeting is the superior, governing power of the society within its own bounds, that it does make its own rules and regulations, that it has the power as the supreme ecclesiastical body of the society, that it is governed by its own rules, and that these rules are in the discipline: but it now appears there are some rules that have been agreed on several years ago, which are not embodied in the discipline? But all rules of discipline, whether in the book or not, are considered as binding on the society, and they are



sent down to the subordinate meetings, only that they may know the changes that have taken place. And I do not recollect to have heard any objections. I have heard nothing of the kind. Did it not create considerable disturbance for the assistant clerk to go on calling the representatives, when a proposition was before the meeting to make a new clerk? He was reading, and kept on.

*Re-examined by Mr. Wright.*—When David Hilles was reading, did he stand up or keep his seat? I have heard—(objected to.) I suppose children have a right to attend, as soon as they are capable of being introduced into the meeting? They may attend all our meetings, from the least to the greatest. But I have never known a case where children were requested to express an opinion; nor have I ever known young men to interfere; although they are understood to have equal rights with the rest. You would of course take the opinion of Judge Tappan, sooner than that of one who has no experience? (Reply not understood.) Did you hear Isaac James make any request of the orthodox, to go out of the house? I did not.

*Lewis Walker affirmed.*—(Before this witness proceeded with his testimony, it was stated that Parker Askew, a witness in attendance on the part of the defendants, was under the necessity of returning home, and it would be a favour if his testimony could be received at that time, which was agreed to.)

*Parker Askew affirmed on the part of the defendants.*—Witness stated, that he was appointed clerk of Stillwater Quarter, at its last meeting, the records of which he produced and identified.

*Cross-examined by Mr. Wright.*—When were you appointed clerk? At the last Quarter, on the 27th of Eighth-month last. How long have you been a member of that Quarter? Ever since it has been a Quarter, perhaps seven years, I am not sure. Was Eighth-month last, the regular time for appointing clerk in that Quarter? Clerks are removed at the pleasure of the meeting; they are not stationary. I think it was not the regular time; I cannot tell, as I had omitted to attend one or two Quarters. Was not the meeting, having possession of the records, then in session in the same house? I cannot say. Was not a body of men then acting as a meeting, and did they not claim to be the Quarterly Meeting? I was not in the meeting till my name was called. I was upon the step, when my name was proposed. I think the former clerk was there; I did not see him; a number of persons were standing, so that I apprehend the view of the clerk was hid from me. Did you not know that the clerk had been proceeding? I do not know that there was any such thing. Was there not another Quarterly Meeting organized in the house? We believed that they had so far deviated from discipline, that they were not entitled to that

character. We occupied the south-east part of the house. Then your Quarterly Meeting separated themselves from the others? We did not mix with them, more than they mixed with us. Who has possession of the records? We have never had possession of them, or, I have not.

Of what Monthly Meetings does that Quarter consist? It was represented, I think, by Plainfield, Stillwater and Deerfield. Were there no others? There was one called Somerset, but I think it sent no representatives. Have you still the same Monthly Meetings, or are there others added? I think there were no others. Is there not a half Monthly Meeting, that meets alternately at two places? There is such a meeting as you allude to. Then the whole proceedings of your Quarterly Meeting were in the corner of the room. The voices of those that spoke to business, appeared to be generally in that part of the house; and I think I may remark, that Friends were extremely cautious, and rather more quiet than usual. I allude to those that transacted business in the meeting of which I was clerk. I do not know that I heard the representatives called by the other party. In what way does a Quarterly Meeting acknowledge a Monthly Meeting, when they meet? Is it by their representatives? In setting them up they are known by that medium, that is, by their representatives. Is there any other way in which a Monthly Meeting can be represented? My opinion is, that if every representative should fail, through high water, indisposition, or otherwise, the Quarter could still transact its business, the reports might be sent. Have you ever known a Quarter held in any other way than by receiving reports through representatives? I know there have been many omissions, and yet the Quarters have been authorized to proceed. Your practice has been to appoint delegates? Yes. You had no delegates or reports from Somerset? I believe not. Has any measure been taken to call them to an account for neglect? In forming a minute, there was mention made, that there was a Monthly Meeting not represented. There was no call for delegates? I think not. To what Monthly Meeting do you belong? I belong to Plainfield. Do you know where Stillwater Monthly Meeting is held? I do not know. Was Plainfield the only Monthly Meeting, or were there not representatives from another? No, there is but one meeting acknowledged there, by our orthodox brethren. Have they not possession of the records kept in Stillwater Meeting? We have them not. We know there is a division in the society, Stillwater is divided, and the other party have the records. Somerset was not represented. As to Deerfield, I know not as a matter of fact, whether that meeting is held by both parties in the same house. Which party holds the meeting in the old place? I believe it is the orthodox.

Those representatives who answered to your call, were representatives of that division of Quakers called Hicksites? (Reply not understood.) When you met, did you examine the minutes of the preceding meeting? They kept possession of the minutes, and we made no inquiry.

When you were called to the place of clerk, did you call on Garretson to give you the minutes? No—we proceeded in our business; and never have made a demand for the records, as yet. When I was appointed clerk, I heard no opposition at all. Can you state the manner and circumstances attending the division in this Quarter? I know that some measures have been taken to get the census, but I am not in possession of the facts myself; I do not know, only from common report; I did not attend the Yearly Meeting. I never was clerk of a Quarterly Meeting before, but have been assistant clerk. Do you know whether the society have, heretofore, put questions by vote? My opinion is formed in this way—I have never seen a measure carried, when two, or three, or four members, walking in good life and conversation, were opposed to it; and, I believe, I never did, where one was opposed, and continued to object; but have known cases, where the business has been laid over, to pay respect to such an individual. But have you known it, where the individual was not of so respectable a character? I do not know such a case; we have respect to the standing, and also to numbers; generally, there is submission. I never knew the sense of a meeting taken by vote. I was before the step at the door, and it was announced, that they were about going to business. I advanced from my position, and stepped up on the step. The meeting appeared to be quiet; and while on the top step, and partly in the house, my name was proposed, and acquiesced in. The call was made for me, and I advanced. The clerk is the one who had before acted, and with whom I had transacted business. When your meetings become select, the shutters are usually closed—Did you see them opened or shut? (Reply not understood.) The discipline requires, that they should be shut when the meeting goes into business. I do not think they had proceeded in business, when I entered. My brother came to me, and said the meeting was going to business, and requested me to come in. I went to the door, and my name was called. I believe the partitions were down. Did you not know, before your brother called you, that a new clerk would be appointed, if they did not acknowledge your rights? We certainly did intend to maintain our rights. It was understood, by you, that if you were not received, and acknowledged by the orthodox, you would open a meeting of your own? It was my understanding, that if we were not acknowledged, we should go on to open a meeting. We expected to be represented, if not

acknowledged by the former clerk. I heard mention made, that there was a report, which it was supposed would not be received by the orthodox clerk. It was also added, that if it were not received by him, a clerk would be appointed that would receive it. Did you hear mention of any report, except that of Plainfield? I did not. Was there any reply from the clerk? There was not. I think I heard no voice in reply. Then that was the only thing done by the orthodox party, to induce your meeting to set up another meeting? I know of no other. They did not accept the report? No, for we kept it in our possession. They did not get it? No, it must have been refused. I do not know of its being handed. I did not see the person, but heard words. I did not hear the motion. Was there any proposition made to the clerk, to receive the report, or was there any refusal heard, in reply? This laying down of Plainfield Meeting, claimed by the orthodox, is not acknowledged by us. Is it not required by the discipline, that the reports of Monthly Meetings be handed to the clerk, before the meeting commences, that he may enter them upon the minutes? I think not—it frequently happens. I have been an assistant clerk, and have seen them handed in at the table. Is it not a common practice, to hand them in before the meeting? I don't think it universal—it is frequently done; and I have frequently seen them handed in by different representatives. Do you know an instance, where the representatives have arrived in time to hand the reports to the clerk, that they have not done it? I have known it in a number of instances. I think I do not recollect a single Quarterly Meeting, where all have been handed in. I know that our clerk, generally speaking, forms the summary to these reports in the meeting, perhaps as often that way as any other way; and after they are prepared, the meeting can either adopt or reject them. You say, that you believe it would be desirable for the clerk to have these reports? I think it has been as frequently otherwise. Is there any difference between a common Quarterly Meeting, and the one preceding the Yearly Meeting? There are a number of queries read. We have three queries that are answered quarterly, and nine annually. Was there any difference in the naming these queries at this Quarter, which was the one preceding the Yearly Meeting, or did you not know, it was the design of your party to go to the Yearly Meeting, to depose the clerk, and take possession? I never understood so.

Were you present at the conference that was held at Plainfield, where Amos Peaslee and others attended? I was. Was there any proposition there about taking possession? I think there was something mentioned about the Yearly Meeting, but whether it was the Yearly Meeting, or Quarterly Meeting, I

cannot tell. The subject respecting our Quarterly Meeting was agitated, but I am not sure that any mention was made about the Yearly Meeting. Was there any preconcert about organizing this Quarterly Meeting? There were Friends there from different parts of the Quarter; there was no arrangement, farther than that we should go as heretofore, and that we would maintain our rights; which is what might be expected; that members would maintain their rights and privileges, being conscious that they had not departed from the discipline. Were you present when Plainfield Monthly Meeting was laid down? I was. Was there any resistance? There was a strong opposition, and little acquiescence, except by three or four. Then you count all those that did not speak as on your side? Is it the practice in your society for any considerable number to speak together? Frequently there are a great many, and if there is no opposition, we take it for the voice of the meeting. There was a minute made, certifying that part of the order laying down the meeting, was, that it be attached to Stillwater. I am not sure how many members went to Stillwater, but they were a very small proportion. I can speak pretty positively, that I think there were about a hundred families in all, and I do not believe, that more than five or six, or six or seven families, at farthest, went to Stillwater. I should not think that one-tenth had gone there. Do you know of any minute that you have made, mentioning the separation of the Monthly and Quarterly Meetings? I know of none. Have you not entered a minute there, that you will not commune with the orthodox, as they have separated from you? We rejected, in toto, the whole arrangement of the Stillwater Quarter. Is there any minute, to your knowledge, of the decision of the meeting, as to those meetings which have separated? When Peaslee was present, were there persons present from the different meetings within the Quarter? I think there were. Did you ever know such a meeting? No, I never knew such a meeting before; but extraordinary cases require extraordinary measures. We knew that things had been adopted of which we did not approve, and this conference was invited, in consequence of the imposition, and in anticipation of future measures. What was the result of that conference? The result was, that, in consequence of the situation of our Monthly Meeting, and other Monthly Meetings, which were not acknowledged by the Quarter, we would go to the Quarterly Meeting and maintain our rights. Was there any thing that connected itself with the Yearly Meeting? I think not. I believe it was advised to attend as usual. The object was, as I have mentioned, to know the real sentiments of Friends in our Quarterly Meeting. Did you hear Isaac James talk any thing upon this subject? I never did.

(The examination of this witness continued for about twenty minutes, but for the want of light, it being in the dusk of the evening, we were unable to take notes during this part of the examination. The prominent object of inquiry, however, appeared to be, to establish the fact, that a conspiracy was entered into by the Hicksites, previous to the Yearly Meeting, in relation to the measures to be pursued on that occasion; but the fact was not established.)

Court adjourned to 9 o'clock to-morrow morning.

*Friday the 17th, 9 o'clock.*

*Lewis Walker called.* (This witness was affirmed last evening, but gave place to Parker Askew, as before stated.)

*Questioned by Mr. Wright for the prosecution.*—Are you treasurer of Ohio Yearly Meeting? Yes. Were you present at Ohio Yearly Meeting? I was not present on Second-day, from the time they met, till after they adjourned. To what party did you render your account, or which do you esteem the Ohio Yearly Meeting? (Objected to.) I was appointed, perhaps six or seven years ago, to the office of treasurer, and have continued ever since; and my settlement this year was with the committee of those called orthodox. I am a member of the Meeting for Sufferings, which belongs to the same party that I profess to belong to. I am clerk of the committee on Indian concerns. During the time of the meeting in 1826, there was an alteration made as to the time of holding our meetings; and it was concluded to meet on Second-day afternoon. I had forgotten the time, and stated that it was 8 o'clock, and a number met with me under an impression that that was the time.

The Committee for Sufferings belong to the orthodox party—the Meeting for Sufferings to which I belong. I suppose that all who are now members are of the orthodox party? Not all, perhaps three or four out of forty-six are not. Did you hear any thing of those persons, having no authority there, being prohibited? There were a number round the door, and they were told that a committee was in session, and it would not be convenient for them to come in. I went out before the doors were opened. I do not know that any thing was done to prevent individuals from entering.

How many belonged to the Indian committee? It is a committee of men and women—a large committee: there must be of both sexes as many as fifty. What proportion belong to the orthodox party? There are very few who do not belong. Did any of the Hicksite party attend that committee? I believe not, that morning. Do you know that any of the Hicksite party attended the Meeting for Sufferings? I should think none, that had fairly attached themselves to that party. Do you know to which meeting the Indian committee made their report? To our meeting, and the Meeting for Sufferings also.



Do you know the situation of the door back of the clerk's table? It is a double door, similar to this, in the court-house. It formerly opened in, but it was found inconvenient to open it while the meeting was in session, because the seat and table were close to it. It was, therefore, changed, and hung so as to open out; it was so during the last Yearly Meeting. There is a bolt that fastens one door at the bottom, and the other is fastened with a kind of key and bar.

*Cross-examination.*—You speak of the Meeting for Sufferings belonging to the other party; do you not know that your party had undertaken to exclude from their meeting, those who agreed with Elias Hicks in sentiment? I don't think there has been any case of exclusion, until they had been released from the appointment by the meeting appointing them. There have been none, that I recollect, excluded by the Meeting for Sufferings. How did these members cease to be members? Some were, according to discipline, released for non-attendance; there were several of this description. David Hilles was one whose name was brought forward, and released by Redstone Quarterly Meeting. Who was appointed in his place? I do not recollect.

You say this meeting reported to that part of the Ohio Yearly Meeting that is called orthodox? Do you know, that the Ohio Yearly Meeting chose their Meeting for Sufferings? I do not know what was transacted in town, after they separated. Don't you know that the Meeting for Sufferings, which reported at Short Creek, were laid down by the Yearly Meeting which met at Mount Pleasant? I do not. You know there were two bodies at Mount Pleasant, that went on and transacted business as separate meetings? I was not at the house in Mount Pleasant, from Third-day afternoon, till they adjourned; I was at Short Creek house. There was a body of Friends that met there, and we considered that we were holding the Yearly Meeting. I saw a great many going to the other house; but I do not know what was done, or what proportion were at that place. I made no estimate. I know there were more than could get into the house at Short Creek. No reports were made by these committees till after the division? No. If it had not been for this secession, they would have been made to the usual meeting? I expect that if the meeting had been held as heretofore, at Mount Pleasant, the whole would have been transacted there. It was the proper place to make the reports? It has been the place, heretofore, for making the reports. If they had not seceded, the report would have been made to the whole body? To be sure, if we had not divided, it would have been made to the whole.

Did you not make a report, as treasurer, to the Yearly Meeting? A committee was appointed by our Yearly Meet-



ing, to settle with the treasurer. If there were reports made to the other meeting, I know nothing of it. Did you not meet with a committee from the regular Yearly Meeting house to settle? Not to settle—I might have had conversation with individuals from there. Did they not call on you, as a committee from Ohio Yearly Meeting, to settle? They did, but I thought it would be a farce; I told them I was treasurer of the Ohio Yearly Meeting; and if it would be any great satisfaction, I could tell them, that the Yearly Meeting were indebted to me, and that none had a right to settle with me, but the meeting to which I was attached, and the meeting that appointed me. Were you not appointed by all the members of both parties? Yes. What right had you to attach yourself to one party as treasurer? I could not attend both, they were both sitting at the same time.

Were you at Short Creek Quarterly Meeting on the 27th of Eleventh-month, 1827? I believe I have attended all the Quarterly Meetings. I do not recollect when I was released from being clerk of the Quarter. Were not the Hicksites excluded from that committee? I do not recollect the particulars. Was not Israel French excluded? I recollect that Israel French was named to some appointment, and his name was taken out. I do not recollect the reasons advanced, but expect it was because he was not in unity with one party in the society. I do not think they were excluded from having a voice in the meeting. How far were they excluded then? By their names being taken out. I think I was not there. What is the customary way? Some one names an individual, and the clerk takes his name down. Israel French was named to some committee, and after a time, his name was erased. Is it customary? It has been done a few times lately. I think I have observed a few cases. Don't you in the meetings of the orthodox, exclude those from acting with you, though not disowned, who are inclined to the opinions of Elias Hicks? I don't know how far to answer that. I want you to answer it, as far as the truth goes. If persons are acting together, they can act with more harmony. Therefore, that there may be harmony, and that you may act with one mind, you silence those who do not think with you? Not exactly so. Do you not do it to produce unity? A very few cases have presented, in which it was considered necessary. But when it was necessary, you have done it? To speak of facts, there have been a very few cases where we have been tried in that way.

*Question by the Judge.*—Have any been excluded from your meeting, because they were Hicksites? I don't know any case where they have.

Were they not at that meeting excluded from having any weight in the meeting? They were admitted to express their

sentiments, but were not considered as having as much weight as others. If they had been the greater number, would you not have proceeded without their concurrence? I cannot say.

*Question by the Judge.*—How was it as to the fact of majorities at that meeting? I do not know.

Was not advice given to the Quarterly Meeting, directing it not to appoint any person suspected of being in unity with Elias Hicks, on that committee? I do not recollect now. Who compose your Monthly Meetings? All within certain limits. You consider that all who are members, have a right to meet and express their sentiments, upon a perfect equality as to religious rights? Yes. What composes your Quarterly Meeting? It is composed of several neighbouring Monthly Meetings, who choose delegates from each Monthly Meeting to attend the Quarterly Meeting. All members are privileged to attend. And when they do so attend, are they all on an equality? They are all privileged to express their sentiments. None are privileged more than others? I do not know that they are. We have nothing which we would call an aristocracy in our society.

Is there any difference, in taking the sentiments of a Quarterly Meeting, in those who are representatives, and those who are not representatives? I think I never observed any difference. In conducting the Yearly Meeting, the representatives from each Quarter, and all others who attend, when they do attend, are on the same equality as in a Quarterly Meeting? I should think so. When you have acted as clerk, it has been your duty to take the voice of the meeting collectively? Yes. And that is to govern? When I have been clerk, I never found much difficulty in determining. Did you ever set any thing down as the sense of the meeting, when the majority were against it? I do not recollect it. If there was much opposition, I think it never has been set down as the judgment of the meeting, when I was clerk. How do you choose representatives from a Quarterly to the Yearly Meeting? They are nominated in the meeting at large. Any individual may name one or more, and when one is named, the name is taken down, and generally some person names another, and so on. Then the names are read over, and if they answer, they are considered as representatives.

*Re-examined by Mr. Wright.*—In choosing representatives, suppose twice as many should be named as are necessary, must you take the sense of the meeting? It is a case which I have never known to occur; I should suppose, that the meeting would stop when they had enough. I think, in one instance, after a person was named, he was objected to. It was the case of French; the name was struck out, and another continued. Do you know what has been the practice of the

Yearly Meeting? In the appointment of Jonathan Taylor, when the clerk, who had been previously appointed, was taken sick, we were all met together, representatives and others, and there was not a voice dissenting. Do you recollect whether there was any opposition to erasing the name of Israel French? I do not remember.

Do you say, that all have equal rights in Quarterly and Monthly Meetings? I think all have equal rights in expressing sentiments. I never knew any distinction made, or appeal to the representatives, particularly, as having more power than other members.

*Cross-examination resumed.*—Do you consider, that the representatives from the Quarterly or Monthly Meetings, have any more power than others? And if they have more power, in what does it consist? I should give it as my opinion, that they have no more power than others. They have some particular duties devolving on them, which do not devolve on others. If no representatives attended, would you hold a meeting? I suppose there never has been a case.

*John Batton affirmed.*—Were you at Ohio Yearly Meeting, on Second-day morning? Yes. Did you see David Hilles there? Yes, I saw him start from his seat, and go to take his place as clerk. Did he start voluntarily? David sat at my right hand, and there was an invitation for him to go forward. I could not see who proposed it; but a man came and told him, that he was proposed as clerk, and he wished him to go to the table. He said no, he could not go to the table, but if they would bring a table to him, he would open the meeting. The man went off. David said it was impossible to get through the crowd, and if he should get there they would not give up the table. Presently James Cope and Jonathan Pierce came to him. James came first, and said that he was named as clerk, and they wished him to go to the table. David said it would be of no use to attempt it, for he could not get there. And while James was talking, Jonathan Pierce reached over the bench, and took hold of him, and told him he was named as clerk; and he wished him to go to the table. He parleyed some, but Jonathan said, never mind that, come to the table, and we will make way for you. Was the movement simultaneous? There had been a very great crowd, and they had left several of the benches, in the back part of the house, and had risen up upon the benches, all over the house, as high as they could get; so that I could see no more of him. I was in the south-east corner of the house. Was this proceeding, naming him, in the usual manner of doing business? I could not hear, for the tumult and noise. At the time they said he was named, there were many people upon the benches. I heard several boys and others cry out the same thing, but I

could not tell what it was. Did you ever attend a meeting before, where that clamour prevailed? I never did.

*Cross-examination by Mr. Tappan.*—Who was it that made this clamour: was it the orthodox or the Hicksites? They were mixed together throughout the house. Was there not as much disturbance produced by the old clerk's reading, as by any thing else? I could not tell whether he was reading, or doing any thing. I heard the assistant's voice amidst this clamour: not regularly, but I could hear it once in awhile, and supposed he was going on with the opening minute.

Did you see David Hilles use any violence, or hear him make any noise at all? He conducted himself peaceably, just as I say. Was the confusion before, or after David Hilles got up to go to the table? The clamour began when I heard a voice, which I took to be that of Israel French; then the clamour began, and it continued till after Hilles went away from me. What was the nature of that clamour? Was it assenting, or in opposition? It appeared to me to be mostly assenting, and some repeated it several times over. Did you know any one person, who spoke more than once, in approbation? I could not tell; their backs were towards me. Do you know that any one did it? I cannot identify any one. I cannot tell what party or society they belonged to, because there were those there, that did not belong to the society of Friends. Did you hear them join in this clamour? I did not distinguish any that were not members of the society, saying any thing. I believe there were those under dealing, but I could not tell. You say you heard the assistant clerk; did he speak in a loud voice? He is a loud speaking man, and I heard what I supposed was his voice, but I could not see him.

*Re-examined by Mr. Wright.*—Witness stated that he heard some one say (the name we did not understand) to David Hilles, when he started, "Go ahead as if there was nothing in the way." "Go ahead with a steady step." "Go ahead or burst your boiler." I could not tell much further, for he was soon out of sight. The general cry was "go ahead."

*Cross-examination resumed.*—Do you know whether they were members of the society who said go ahead, or burst the boiler? No, I could not tell.

*S. Pennington affirmed.*—Did you attend the late Yearly Meeting of Ohio? I was there on Monday, and I saw a person that was said to be David Hilles. I was not in the house till after the cry that the gallery was falling. I saw a man who I was told was David Hilles. They were trying to get him to the clerk's table. I don't know that he was making use of any force more than submitting to be moved by those who I supposed to be his friends. I went into the house after the alarm, and they talked about David Hilles going to take

possession of the table. The first I saw, he was going up the steps into the ministers' gallery. Some were trying to take him up, and some to keep him back, and after he got there the table was broken. Some cried out violence, and some said it was time to surrender; after that, some one said he heard one voice, "surrender," but he wanted to hear one or two more.

*Cross-examination.*—Was Hilles carried aloft, over the shoulders of the people, or did he walk? He was rather down, not up erect—sometimes down and sometimes up, as I thought. As he was going up the steps, after the table was broken, I know not what he did. I did not see him use any efforts, but he submitted to what others did. I was about as far from him as to that post (pointing to a post) say six yards. He was carried forward by those that I understood to be his friends. That party were trying to get him up to the seat; and he appeared to submit, to be done with as they wished, who had him. When I first saw him, he was a little farther than the stove, going up the steps. What resistance was made? One party was trying to keep him back—one party was pushing back, and one forward. There was apparently as much force on one side, as the other; for they kept him a great while there. There were a great many standing about, so that I think nobody could have got up through the pass way. Did you not see the persons who were standing there, exerting themselves to prevent his getting up? There were some there who opposed him. Was the door back of the clerk's table then open? I think it was after the table was broken, that I noticed the door open, and saw Jonathan Taylor at the door. The first time I saw David Hilles, he was going up the steps, and I did not see him again till he was in the ministers' gallery. This was after the table was broken—it was after the violence, and after some had cried surrender, and he was in peaceable possession. But how was it when you first saw him? Some were trying to put him up, and some were trying to keep him down. The Hicksites were trying to push him up, and the others down. Perhaps there was about the same number pushing him down, as up; but those below, having a better chance, gained the victory. When he was coming forward, the people, many of them, were on the benches.

*Dr. William Hamilton sworn, on the part of the prosecution.*—Witness stated, that he was at Mount Pleasant meeting house, on the morning of Monday the 8th of September, 1828.

*Questioned on the part of the prosecution.*—Did you take notice of the relative numbers, at the two houses, during the week of the Yearly Meeting? I was frequently past the two houses, and supposed from the appearance, that there was a greater number at the old house, than at the house in town.

At that time it was a pretty general observation, that there were more at that meeting. I could not particularly say as to the proportion. There appeared to be a considerable number more of females at the old house, than at the new meeting house; as to the men, I am not able to say. The only way I had of determining, was by viewing. Could you say, whether there were two-thirds, more or less? I thought that of the females, there were near two to one, at the Short Creek house, and I think there were more men. Of the females, I am pretty well persuaded there were a considerable number more; perhaps two to one; and as to men, it appeared to me there were a greater number.

Were you present when the meeting assembled on Monday morning? I went there on Monday, at a time when some person was engaged in prayer. Did you observe any thing like pushing? I saw some pushing in and out. Some stood at the door, who stated that their business was to prevent those from coming in who had no right, and others were pushing in, who used considerable violence. I knew not who they were—they were strangers to me—they were pushing past the door-keepers. Were there a large number endeavouring to push in? I saw one general rush, in which there were a considerable number. I heard one of the guards say that he was fixed there to prevent persons from coming in who had no right. There were perhaps twenty in a body, at the time of the push. There appeared to be a general move towards the door; and a considerable push ensued.

*Cross-examination.*—It was raining a little, when the meeting assembled on Monday morning? It was not very comfortable standing out. Do you not know that in the assembly at Short Creek, or at the old meeting house, there were a great many who belonged to Mount Pleasant, where they are principally orthodox, that is, a greater proportion than at the new meeting house? There appeared to be more, but I do not know what proportion of these lived at a distance—I cannot tell. At Short Creek house the number was considerably swelled, by those of the neighbourhood? Considerably—I saw a great many citizens—there seemed to be much the greatest number at the old meeting house.

At what time did you enter the meeting house on Monday morning? I did not go in till the door-keepers were gone. I was invited to attend the Quarterly Meeting previous, and invited to attend the Yearly Meeting, the day before. As to Monday, I do not recollect whether I was invited or not. Who invited you? The invitation was left at my house. It was a pretty general practice, when strange preachers were in the place. I believe I received a verbal invitation to attend the Yearly Meeting—I think Mr. Crew invited me to attend.

There was no objection made to my entering. There were no door-keepers—the difficulties were removed. The twenty were all in? Yes, long before that; I was near the last. I was not there when the clerk was nominated: but I just heard this respecting the clerk, although I was outside; I heard some one observe, that the present clerks were not the clerks of the meeting, and requested David Hilles to take his seat. I did not see David Hilles taken forward. I saw considerable movement and stir, but I could not see how it was—I could not see the clerk's table.

Did you see any violence there by either party? I could not designate a single individual using violence at that place. Part of the time, I had as much as I could do to take care of myself. I was not in the meeting house after the orthodox withdrew; I saw them gathering at different times, for I was much engaged in practice, and frequently passed by, although I was not again in either house during their sitting.

*Re-examined by Mr. Wright.*—Was not your invitation to attend on Sunday? No, I believe it was on Monday; but who gave it I cannot tell. I think Henry Crew gave me a kind of general invitation to attend the select meeting.

*Cross-examined by Mr. Tappan.*—They have their public days of worship, and meetings of business, which they call select meetings, at which time they transact the business of the society. Did you understand yourself invited to the meeting on Monday? I was requested to go up, as it was said there probably would be some difficulty. It was believed there would be a fuss. Did you not know at the door, that it was the intention of the orthodox, to keep out the Hicksites, and that they did keep them out? No, I did not; nor did I know that guards were there till I went; neither do I know that it is a general custom. Were there any stopped from going in? There were some stopped from entering; Owen Dewees was told that he was disowned. He was stopped by Isaac Lloyd. Mr. Dewees came up to go in, and Mr. Lloyd intercepted his passage. He wanted to know why he could not go in; the reply was, that he was disowned; that he had no right, as he was not a member. I think I saw another stopped at the south door, and the same reasons were assigned. Do you know whether they gained admittance? I did not see them go in. Do you know whether this individual was a member? I do not know of my own knowledge, but have understood that he was a member for Concord. I think B—— was stopped at the south door by Henry Crew.

*David Steer affirmed on the part of the prosecution.*—Were you at the Yearly Meeting at Mount Pleasant? I was. Were you one of the door-keepers? I was. What Quarter appointed you? Short Creek. Did you attend to the duties of door-keeper? I



did. What duties were assigned you? My directions were to keep the meeting select, by endeavouring by all fair means to keep out those who were disowned, or under dealing, according to the discipline of the society. There were several of that class who were disowned, and who came and endeavoured to get in. I endeavoured to stop them, and told them they could not be admitted. To one in particular, Isaac James, I said he could not be admitted. He said he was determined to get in; I said he would have to use violence if he did; for I should not consider myself obliged to go out of the door for him. He endeavoured with all his strength to push me out of the door by his own exertions; and finally, a company of others of the same class, and different classes, succeeded in pushing us out, perhaps ten or fifteen feet, in which rush Thomas White was. There were Isaac James and Thomas White; and Isaac Walker from Redstone. The rest were strangers.

Were you in the house when the disturbance took place there? I was. Did you attempt to keep out the Hicksites? No. I had no instructions to keep out any but those that were disowned or under dealing. Was not your instruction to let all in but those? It was. Did you make it known at the door? I did by public outcry. Was Isaac Walker invited in? He was, and refused to go in, and united with the company to make the press.

Is Thomas White a member? No, he has not been for a number of years. He entered about the same time that Isaac James did; they came in together. Does not Thomas White belong to the orthodox party? I believe not. He has told me he was in belief with that party; how long since he changed his mind? I do not know that he has changed. How do you know Isaac James is disowned? Because he belonged to the same Monthly Meeting with me. Did he ever attend Short Creek meeting as a member? I think not. Can a man be a member of a Monthly Meeting without attending it? I do not know what you may call it. Did he reside within the bounds of Short Creek meeting? He did; for all Concord was annexed to Short Creek, and he was disowned after that. Do you know who laid down that meeting? It was laid down by Short Creek. Did they apply to be laid down? There were many members who applied, but not the meeting officially.

What was the object of laying down Concord meeting? I am not prepared to answer that. The object I believe was, that the Quarter considered us not in a situation to hold a Monthly Meeting to the credit of society. I was one of the members. Were your part of the meeting in the minority? Yes. Then the minority applied to lay down the Monthly Meeting? Yes—by the report of the committee in connexion with the minority. And the Quarterly Meeting laid it down

without a dissenting voice, but a majority of Concord were opposed. Was it not to get them where there was a majority of orthodox, in order to disown them? I do not know—it led to that. I can't say it was that particular object; it might have been the object of some of the members, I do not believe it was the ostensible object. I know that was the result, and it was my impression that the meeting had better be discontinued, because we were not in a situation to hold a meeting to the credit of society.

*Re-examined by Mr. Wright.*—Did a committee from the Quarterly Meeting visit your Monthly Meeting at Concord? They did, and it was their sense, with a number in the meeting, that we ought to express to Short Creek Quarter, the propriety of our being laid down; and I do not believe there was a dissenting voice. I can't tell whether the members generally knew, but it was the regular time of holding the Quarter, and it was the sense of the ministers and elders, that the meeting had better be laid down.

*Cross-examination.*—Did you attend the Monthly Meeting when it is said to have been laid down? I was at the Monthly Meeting when the order was read for laying it down; and instead of uniting in the conclusion of the Quarterly Meeting, they made a contrary minute, disapproving of the proceedings of the Quarter, in laying them down, and appointed a committee to seek refuge in some other Quarter. They renounced allegiance to Short Creek Quarter. Did you get the records of that Monthly Meeting? In part, but not all. We got the records of the women's meeting, and of the men's meeting till 1821. From 1821, the Hicksites held the papers. Did you not stop Nathan Galbreath from going into meeting? I did for a time; and I told him the reason of my stopping him was, that I understood he was disowned. He said he was not disowned. I told him if he would bring any person to give me satisfaction that he was not disowned, I would admit him. And while we were conversing, they gathered one of these crowds, and carried us both into the house, probably fifteen or twenty feet before I could recover myself. I was at the north-eastern door.

Was there a large majority of the Hicksites at Concord? There was a considerable majority. The meeting contains about forty families. How many united with Short Creek? I think eleven or twelve went to Short Creek. (Said Mr. Tappan, this is what used to be called at the eastward *gerrymandering*.) The Concord Meeting is continued, notwithstanding its being laid down? I have never met with them since the meeting was laid down; but I have seen them at the house—I could not tell what they were about.

*Deposition of Samuel Bettle.*

Personally appeared before me, at the house of George W. Banks, Esq., in Mount Pleasant, on the 15th day of September, 1828, between the hours of 3 and 9, P. M., Samuel Bettle, of Philadelphia Yearly Meeting; who being duly affirmed, deposeth and saith, that he was at Mount Pleasant on the 8th instant, about 8 o'clock, A. M., to attend a committee on the civilization and improvement of the Indian natives. The Yearly Meeting for business was to convene at 10 o'clock, A. M. A number of persons, however, gathered before the time; and it was with difficulty the committee could proceed with their business, from the frequent interruptions from without. Finding this to increase, they adjourned to another day; and the door-keepers took their station, and the doors were opened before the hour appointed. It is the universal practice of our society, in all places, to appoint committees to attend the doors, to prevent the intrusion of strangers and disowned persons, that the meeting for business, agreeably to the direction of the discipline, may be held select. On this occasion, it appeared, a number of persons, of this description, presented themselves; and, notwithstanding the remonstrances of the door-keepers, pressed forward, in a turbulent manner, into the meeting. Several times, a number of these persons combined, and with united force, bore every thing before them; and rushed into the house. Friends inside, finding this disposition to prevail, repeatedly called to those at the door, not to oppose; but to let them come into the house, which soon became exceedingly crowded, and an ancient Friend kneeling in prayer, order and quiet was experienced: this, however, was but of short duration, before noise at the doors, and unsettlement and tumult again recurred. When a person arose, and after objecting to the clerk at the table, observed, that it devolved on him, to propose to the meeting, the name of a clerk; this, however, he did not then do. The meeting was then opened by the clerk, and the representatives from the Quarterly Meetings were called: when some person called for the naming of a person to act as clerk; and David Hilles was mentioned. Whether by the person who first introduced the subject, or some other, I do not know. Some cried out, they approved of David Hilles as clerk; to which others objected, stating, that the meeting had its clerk, and requested them to be quiet, and permit the business to proceed. David Hilles was now urged to go to the table, and he, and a number of others, endeavoured to open a way, by force, to place him there—and in the effort, a scene of violence took place, disgraceful to any decent assembly. David Hilles and his partizans, however, finding, that although Friends did not use force to resist them, yet, that they would not voluntarily give way,

found that it would be very difficult to accomplish their object. About this time, a cry was raised, that the galleries were falling. I observed, it proceeded, at first, from *one* person, and I was soon convinced it was a false alarm, purposely made. A number, however, soon joined in it, and about this time, a board cracking, gave some cause for the alarm. A rush for the door took place, windows were broken, and the confusion and outcry for a time was appalling. A number of Friends, however, perceiving that it was without just cause, endeavoured to prevent Friends leaving the house, and to restore order. At length, some degree of quiet was attained; and many returned to the house. But soon the efforts, forcibly to place David Hilles at the table, were resumed. Finding they could not displace Friends, individuals threw themselves on the heads of those in the passage, and by holding up, and pulling one another, endeavoured to get the clerk's table. They were frequently remonstrated with, but the violence and clamour became excessive; and some of these disorderly persons at length reached the table, and it was soon broken into pieces and destroyed. In this desperate transaction, Jonathan Taylor, the clerk, was so extremely pressed on, as to place him in great danger of serious, if not fatal consequences; and one Friend called to the rioters to beware, or they would commit murder. David Hilles taking the drawer of the broken table, now opened a meeting. A person, soon after, mentioning the violent interruption Ohio Yearly Meeting had experienced, in the regular transaction of its business, proposed, that the representatives from the respective Quarterly Meetings should be called upon to decide, whether it would not be necessary to adjourn, and proposed ten o'clock next morning; and the representatives being very generally present, united in the proposal. No objection being made in the meeting, an adjournment took place, and, I think, at least two-thirds of the persons in attendance, retired from the house, and assembled the next day at the time appointed; when a formal demand was made for the peaceable and undisturbed occupancy of the house, for the use of Ohio Yearly Meeting. This not being attained, a meeting was held in the yard, and subsequently adjourned to Short Creek meeting house. The practice and discipline of our society, in every Yearly Meeting, in choosing a clerk, is, that the representatives, from the respective Quarters, meet after the first sitting, and name to the meeting, when it next assembles, the person to fill that station, who continues in office until after the first sitting of the next annual assembly, unless sickness, or some unavoidable necessity require a clerk to be temporarily appointed by the meeting.

In answer to the interrogatories on the part of the state, this deponent saith, that he has been clerk at least ten years, for

the Philadelphia Yearly Meeting, and is clerk now of said meeting.

When a question is before a meeting, and there appears a difference of sentiment, after a sufficient time is allowed, the clerk records what appears *to him* the general sense of the meeting, and reads the minute, and if there is a general acquiescence, it is the conclusion of the meeting. But if many Friends remain dissatisfied, it *generally* is further considered, or postponed, and there is no other person who acts for the meeting, or is authorized to attest and announce its decisions, than the clerk.

*Questioned by the defendants' counsel.*—Are not the society of Friends now divided into two parties? If so, what is the name of each party? I do not consider that the society of Friends are divided into two parties; I consider the society of Friends remains in its integrity, holding its ancient doctrines and discipline. That a number of persons have separated from them, I admit. What do the separatists call themselves? I would rather they would answer for themselves. By what name are they generally known? They are frequently called by the public, separatists or Hicksites. Do you know by what name they designate themselves? I have not communication enough with them to know their general views on that subject. Do you belong to the Hicksite party, or the party you call Friends? I belong to no party. Are you what is called a separatist or Hicksite? I do not know that I have ever been called a separatist or Hicksite, I belong to the society of Friends. When and where were the door-keepers appointed, that you spoke of? I understood from what passed in the meeting, they were appointed by their respective Quarterly Meetings, but have no personal knowledge on the subject. Have the Quarterly Meetings power to appoint door-keepers for the Yearly Meeting? Yes, it is frequently done, and is the custom and usage of the society. Have you understood for what purpose the door-keepers were appointed at this Yearly Meeting? I have no particular knowledge on the subject. I suppose they were appointed for the same purpose, for which they are generally appointed. Did not more door-keepers appear at this Yearly Meeting, than is usual? I never saw them together, nor do I know their numbers. At what time in the morning did you go into the meeting house? About eight o'clock. Were all the doors of the meeting house opened at the usual hour? The front door and the side door were opened before ten o'clock. Do you know by whom these doors were opened? I do not. What was your object in going to the meeting house at so early an hour? I went to attend a committee of the Yearly Meeting, for the civilization and improvement of the native Indians. At or about the time this committee adjourned, were there not arrangements made, that the seats in

the gallery should be occupied by those in the house, before the doors were opened for the admittance of Friends generally? There was, to my knowledge, no such arrangement. What were the objections made to Jonathan Taylor, as clerk of the meeting? I did not hear the objections. Were there more persons approved than disapproved of David Hilles as clerk? The sense of the meeting on that subject was not taken. What force did David Hilles use in going to the table? I cannot say that he used any force, separately from those that were engaged with him; and the force that was used, was described in the forepart of my deposition as far as I know. Did you see David Hilles himself, pushing any person, as he went to the table? When he got near to the table, David Hilles made considerable exertions to get there, and he could not do so without pushing several persons. Did Friends use any force, to prevent him from going to the table? They endeavoured to keep to their places, and did not use any active means to prevent him, that I saw. Did you see him push any person? I am not able to answer that question in any other way, than I have already done. Do you know who gave the alarm, that the gallery was falling? I do not. How do you know, that person knew the gallery was not falling? I do not know what was his opinion. What then did you mean, by saying the false alarm was purposely made? My reason for it was, that there appeared to be no foundation for it whatever. Did David Hilles make a minute of his appointment as clerk? I do not recollect that he did, while I was in the house; I was in but a short time after he began to act. Do you know whether he commenced making a minute of the opening of the meeting? I do not know that he did; to the best of my recollection, he read a minute, and called a number of names. Did you see David Hilles take hold of the table forcibly? With respect to any force used by David Hilles, I have given all the information I at present recollect. Were there not a number of persons pushing and pulling David Hilles, until he arrived at the table? I can give no further information than I have given, respecting the force used by David Hilles and his friends. Was not the table broken before David Hilles arrived at it? I do not know whether the table was injured before or not; but to the best of my knowledge, it was not broken up, before David Hilles got there, or near there. When a demand of the meeting house was made, in the name of the Ohio Yearly Meeting, what was the reply of David Hilles? I can give no other information on that subject, than what I have stated in the forepart of my deposition; as I did not hear the answers that were given in the house. Did you ever know any difficulty in the Yearly Meeting of Philadelphia, respecting the choice of a clerk? Yes. Did not the representatives, in the spring of 1827, disagree in the choice of a clerk; and did not the meet-

ing appoint one? No, they disagreed, and in consequence of the disagreement, the meeting continued the *old clerks*. Is there not a Yearly Meeting in Philadelphia, in a new meeting house, who call themselves the Yearly Meeting of the society of Friends? I do not admit that there is any Yearly Meeting in the city of Philadelphia, except the ancient Yearly Meeting of the society of Friends. Is there not a society of persons there, besides the ancient Yearly Meeting, who call themselves the Yearly Meeting of the society of Friends? I have no knowledge of any Yearly Meeting of the society of Friends, but the ancient Yearly Meeting; but by report, there is a number of persons who have called themselves by that name. Are not these persons sometimes called Hicksites? Those persons are sometimes called Hicksites. Has not the Yearly Meeting of Friends held in Baltimore, acknowledged that society as a Yearly Meeting, by corresponding with it? I know nothing of my own knowledge; I have heard that the Baltimore Yearly Meeting have received an epistle, from the description of persons mentioned in my last answer, and have returned them a reply. Is not the receiving an epistle by a Yearly Meeting, and answering the same, the usual mode of one Yearly Meeting acknowledging another? That is only one of the circumstances; and there are several, in my apprehension, necessary to constitute a full acknowledgment; and besides, I am not acquainted with the nature of that reply.

*Questioned on the part of the State.*—How near were you to the table, when the disturbance of which you have testified, took place? I suppose about ten or twelve feet. Have the separatists, or Hicksites, as they are called, left the society; or do they differ from the society of Friends avowedly, on matters of discipline, or of doctrine and faith? I consider that they differ from the society of Friends in faith and discipline. Were the members of the society of Friends assembled, at the meeting house in Mount Pleasant, at the time of the disturbance about which you have testified, for the purpose of worship, or performing any of the duties enjoined on, or appertaining to them as members of such society? They were assembled to transact the usual business of a Yearly Meeting.

(The last question was objected to by the defendants' counsel, for the reason, that it ought to have been on the direct examination.)

Affirmed and subscribed before me, this 16th day of September, 1828. WILLIAM SMITH, *Justice of the Peace.*

*Deposition of Isaac Braithwaite.*

Personally appeared before me, this 15th day of September, 1828, between the hours of 8 A. M. and 9 P. M., at the house of George W. Banks, Esq., in Mount Pleasant, in Jefferson



county, Ohio, Isaac Braithwaite, of Kendal, in the county of Westmoreland, Great Britain, a member of the society of Friends, belonging to the Yearly Meeting of London, a witness on the part of the state, who being duly affirmed, deposeth and saith, that on Second-day, the 8th instant, he was in the meeting house in Mount Pleasant, soon after 8 o'clock in the morning, attending with the committee who have the civilization of the Indian natives under their care; that before 10 o'clock, the hour when the Yearly Meeting was appointed to assemble, the south door of the house was opened, and he observed several Friends, whom he took to be door-keepers, in attendance. During the time the meeting was gathering, there was much noise about the house, and the two doors on the east side of the house were soon thrown open, and a great number of persons rushed in, pushing others along in a very tumultuous and disorderly manner. Several Friends remonstrated against such proceedings, but without effect. About this time, our friend Thomas Shillitoe appeared in supplication; during which, and for a short time afterwards, the meeting was tolerably quiet. This stillness was soon disturbed by a great number of persons rushing in at the north-east door; and the part of the meeting house near that door being already nearly filled, the bustle and confusion were very great. After these persons were mostly seated, a man stood up, and said, that it devolved on him to inform the meeting, that the present clerks had disqualified themselves from filling that office, and he thought the meeting would do well to nominate suitable Friends to act as clerk and assistant. Several voices were heard approving of this proposal, and some person mentioned the name of David Hilles for clerk, which was agreed to by a number. Friends then informed the meeting, that the regularly appointed clerk was already at the table, and proposed that he should open the meeting. This was united with by the Friends, and the clerk proceeded to call over the names of the representatives from the respective Quarterly Meetings. During the time the clerk and assistant clerk were thus engaged, the meeting was frequently interrupted, by the noise of those persons, who were anxious to violate the order of the society, and David Hilles was urged to proceed to the table. About this period, an alarm was occasioned, by some person or persons calling out the galleries are falling. As I was unable to see any thing that indicated such an occurrence, I concluded it was a false alarm. The noise and confusion occasioned by this circumstance, greatly alarmed the women Friends; and two Friends and I, went into their meeting house, and informed them the alarm was a false one. After remaining until this meeting was more settled, we proposed returning into the men's meeting; but

we were requested to remain, which we did until the meeting adjourned.

*Question by Attorney for the State.*—Is it, or is it not, the usual practice of the Yearly Meeting of the society of Friends, of which you are a member, to have door-keepers when transacting the business appertaining to such meeting? If so, how long has that practice continued, and what are the duties of such door-keepers? It is the uniform practice of the Yearly Meeting of London to have door-keepers. I do not know how long such has been the practice, but from my own information, it has been so upwards of twenty years. The duties of the door-keepers are, to prevent any person or persons entering the meeting house who are not members of our society, or if any such should enter, to request them to withdraw, and in case they refuse, to take them out. According to the rules of society, was the motion for the appointment of a clerk, in or out of order, when the regular clerk was present and at the table? It was a proposition altogether out of order, and in direct violation of the discipline of our Yearly Meeting. Was the meeting of Friends, above referred to, held on the 8th inst. at Friends' meeting house in Mount Pleasant, a meeting for the purpose of worship, or for performing any duties enjoined on, or appertaining to the meeting of Friends, as members of such society? The meeting held in Friends' meeting house in Mount Pleasant, on the 8th inst. was for the purpose of transacting the business of such meeting, agreeably to their discipline, and intimately connected with their preservation and welfare, as a religious society. But in my own country, such meeting would not be considered exclusively as a meeting for religious worship; though I do not remember ever attending any sitting of such meeting, either in this country or Great Britain, but some one or other of our approved ministers, have been engaged either in the ministry or supplication. Were you present at the meeting for worship, in the Friends' meeting house in Mount Pleasant, the afternoon previous to the 8th inst.? if so, will you state what knowledge you have as to any disturbance of that meeting, by whom, and in what manner? I was present at the meeting house in Mount Pleasant, on the afternoon of the 7th inst. The meeting was not fully gathered, when a person, whom I afterwards understood to be Elisha Dawson, stood up, and spoke for some time. Almost immediately on his taking his seat, A. Peaslee stood up, and spoke for a considerable length of time: during the time he was thus engaged, he was requested to sit down by two Friends, but he paid no attention to their remonstrances; and whilst Elisha Bates was thus requesting him to take his seat, a number of persons, in a disorderly manner, ordered Elisha Bates to sit down, and I distinctly heard some say, that if Elisha

Bates did not sit down, he should be carried out. Will you state why A. Peaslee was requested to sit down? It was well known to many Friends in the meeting, that A. Peaslee was not a member of the society of Friends; and it was, therefore, considered highly improper that he should be permitted to interrupt the solemnity of the meeting.

*Questioned by defendants' counsel.*—Is not the society of Friends in this country divided into two parties? The society of Friends in this country, I consider to be one in faith and practice. Is there not a division amongst its members? The society of Friends is not divided: there are persons belonging to some meetings who have separated themselves from the society, but on whom the discipline has not yet had its full operation. Do not those persons claim to belong to the society of Friends? I apprehend such persons do consider themselves as members of their respective meetings, until they are disowned. Do you know what proportion of the Friends, attending the Ohio Yearly Meeting, were of that description? I do not know. Is not the Yearly Meeting the highest legislative body known to the society of Friends? The Yearly Meeting is considered the superior meeting of the respective Quarterly Meetings belonging to it, and beyond its decisions there is no appeal. Has the Yearly Meeting power to make, alter, and dispense with the discipline of the society? The Yearly Meeting has power to make fresh rules of discipline, or to alter those rules already in existence.

*Question by Attorney for the State.*—Does the Yearly Meeting of the society of Friends in London, acknowledge, or recognise, as any part of the society of Friends, those persons who are commonly known in America as separatists, or Hicksites? The Yearly Meeting of London, has expressly declared itself to have no connexion whatever with any meeting or meetings already set up by these people, or which may be set up hereafter; neither would that meeting, or any of its subordinate meetings, acknowledge any person united or belonging to any meeting so set up, contrary to the order of the society.

*Question by defendants' counsel.*—Who do you understand by the separatists, or Hicksites? I am unacquainted with the constitution of their meetings of discipline, if they hold any such meetings: as to their peculiar tenets, it would be easier to state what they do not believe, than what they do believe. In general terms, I consider a man a Hicksite, who entertains the opinions which Elias Hicks promulgates. Are they not persons who belong to the society of Friends? Any persons who entertain the opinions which E. Hicks promulgates, I do not consider as belonging to the society of Friends.

And futher, this deponent saith not.

ISAAC BRAITHWAITE.

Affirmed and subscribed before me, a Justice of Peace, in and for the county of Jefferson, state of Ohio.

WM. SMITH, JUNR.

Court adjourned till two o'clock, P. M.

*Friday the 17th, 2 o'clock, P. M.*

*Deposition of William Jenkins.*

Personally appeared before me, at the same place, on the 15th of September, 1828, between the hours of 8 A. M. and 9 P. M., William Jenkins, of Providence, Rhode-Island, a member of the Yearly Meeting of Friends of New-England, who being duly affirmed, deposes and saith, that he attended, with others, the meeting of the committee of Ohio Yearly Meeting, on Indian concerns, on the morning of the 8th of the present month, at Friends' meeting house, Mount Pleasant, Ohio.

We assembled about 8 o'clock in the morning of that day, and the committee proceeded to business. Before the hour of ten had come, the time at which the Yearly Meeting was to assemble, to proceed to the business of said meeting, it was apparent that many had assembled in the yard, and the weather being very inclement, the business was suspended. Women Friends withdrew to their apartments, and Friends took their seats, when the door-keepers were requested to open the doors for the admission of Friends who were in the yard. As soon as this was done, great numbers came in, and the house in a short time became nearly filled. Before, however, it was so, some disturbance appeared at the south front door, and pretty soon a number of persons came rushing in; one or more of whom in a hasty, boisterous manner, proceeded to open the south-east end door, which had not until then been opened.

Not long after this, a great press of individuals was observed at the north-east end door. The noise and clamour of voices were heard, and very soon a rush was made through this entrance, by a considerable number of persons, whom I did not know, with the exception of Amos Peaslee, who was among them. At this time, the house became very full, and a large number were standing in the alleys.

In a short time, Jonathan Taylor, the clerk of the Yearly Meeting, made a movement preparatory to proceeding with the business of the Yearly Meeting, about which time a person rose, and in substance stated, that it had devolved on him to say, that the present clerk had disqualified himself from acting as clerk of that meeting; and proposed that another should be nominated. The clerk, however, proceeded with the business of the Yearly Meeting; read the opening minute, and called the names of the representatives from the several Quarterly Meetings, who, with but few exceptions, answered to their names. The assistant clerk then read, in an audible voice,

the accounts from the several Quarterly Meetings, when the meeting became organized, agreeably to the practice and order of the society of Friends. It being the uniform practice and discipline of our society, that the clerk appointed the preceding Yearly Meeting, should fill that station in the succeeding Yearly Meeting, until the close of the first sitting, when the representatives from the Quarterly Meetings are required to name a clerk for the ensuing year, to the next sitting. During the time the clerk was proceeding with the business of the meeting, some person proposed the name of David Hilles as clerk, which was responded to by a number of voices, and he was urged to go to the table; in violation of the established order and discipline of the society, as above stated; many Friends at the same time distinctly stating, that the clerk was already at the table, and the meeting organized. The scene of riot and turbulence which now ensued, I cannot describe; but which was so violent, that the clerk suspended the business of the meeting. I was seated on the west side of the alley leading from the south front door to the ministers' gallery; I believe on the second raised seat; so that I could only hear and see the tumult, without being able to designate an individual connected with it: nor did I know that any one had reached the clerk's table, until I heard a person reading, what purported to be an opening minute of a meeting. About this time, an adjournment of the meeting was proposed, and the names of the representatives from the Quarterly Meetings being called, they consented to it. The minute of adjournment was read by Jonathan Taylor, the clerk, and the meeting adjourned to meet at 10 o'clock the next morning.

The next day, Friends met agreeably to the adjournment, at 10 o'clock. Many were there before me, so that I could only hear a voice, which I believed to be that of Elisha Bates, demanding the undisturbed use of the meeting-house at Mount Pleasant, from persons within, for the accommodation of Ohio Yearly Meeting. I was not near enough to hear what reply was given, and only heard E. Bates say something to this import, that he understood them to say, that the occupancy of the house was refused for the accommodation of the Yearly Meeting of Ohio. When he came out, Friends assembled in the yard, and the meeting was organized, and the representatives proposed Elisha Bates for clerk, and Amos E. Kimberly for his assistant, and after a solemn meeting, an adjournment to Short Creek house was proposed, and united in by the meeting. The minute of adjournment was read, and the meeting separated.

*Question by the Attorney for the State.*—Was, or was not, the meeting that you were attending, a meeting for the performance of duties appertaining to them as members of the reli-

gious society of Friends? I met with Friends at the Friends' house, to transact the usual business of the Yearly Meeting of Ohio.

*Question by defendants' counsel.*—At what time were the doors opened, and how many were opened? Before or about 10 o'clock the direction was given for the doors to be opened, and I believe the south front door and the north-east end door were opened at that time. How many outside doors are there to that part of the house? I think three. Were guards placed at the doors when they were opened? if so, how many, and for what purpose? I believe door-keepers were at the two doors which were opened: how many I know not; and I believe they were there to answer the usual purposes of door-keepers on such occasions. Are not the persons composing the Yearly Meeting of Friends in Ohio, now divided into two parties? I consider the Yearly Meeting of Friends in Ohio as one body, united in faith and practice. Is there not now a division in that body? I am ignorant of any division in the Yearly Meeting of Friends in Ohio. Is there not a division amongst the persons lately composing that body? Of my own knowledge I am ignorant, but have been told that some persons have separated themselves from the society of Friends. By what name do these persons distinguish themselves? I cannot say. Do they not claim to belong to the Yearly Meeting of Friends? I do not know; I know not the appellation they have given themselves. What proportion of the persons lately comprising the Ohio Yearly Meeting of Friends, do those persons who have withdrawn themselves include? The number of those persons who have separated themselves from the society of Friends, I am ignorant of. Were the door-keepers, who were stationed at the doors, instructed to exclude those persons from the house? I know of no instruction to exclude any individuals. Was not David Hilles nominated as clerk before the old clerk had opened the meeting? My impression is, that he was not. When he was nominated as clerk, did not a large number of the meeting approve of that nomination? Numbers of persons did so approve; whether they were members of the Yearly Meeting of Ohio, or not, I do not know. Did any considerable number of persons object to that nomination? A number of Friends did, at that time, state that the clerk was already at the table, and the meeting was regularly organized. Were there as many persons who objected, as there were who approved of that nomination? I cannot say. Have the representatives from the different Quarterly Meetings to the Yearly Meeting, power to adjourn the Yearly Meeting? I am not sufficiently informed what would be the general understanding, to answer that question.

*Question on behalf of the State.*—Is it, or is it not, the usual



practice of the Yearly Meetings of the society of Friends, of which you are a member, to have door-keepers when transacting business appertaining to such meetings? if yea, how long has that been the practice? It is our practice, and has been so for many years. According to the rules of the society, was the motion for the appointment of a new clerk, in, or out of order, when the regular clerk was officiating? It was a direct violation of our order and discipline. Were you present at the meeting for worship, the afternoon previous to the 8th? if so, will you state what knowledge you have as to any disturbance of that meeting, by whom, and in what manner? I was at that meeting, in which a person, whose name, I afterwards was told, is Elisha Dawson, made a public address, commencing before the meeting was fully gathered, and when he sat down, was immediately followed by Amos Peaslee, in an address, which occupied, I think, nearly an hour; in the course of which address, he was requested by Jonathan Taylor and Elisha Bates to take his seat; to which request he paid no attention, but continued to speak as long as he chose. At the time E. Bates was speaking to A. Peaslee, a number of persons pointedly told E. Bates to take his seat. Will you state why Amos Peaslee was told to sit down? I believe it was known by those persons who directed him to sit down, that he was not a member of the religious society of Friends, and of course not in unity with the body. According to the usage and practice of the Yearly Meeting of Friends, so far as you are acquainted with it, what is the ordinary duty of the door-keepers? To protect the meeting from being intruded on by those who are not members of our society, or who may be under dealing in the Monthly Meetings, according to our discipline.

*By defendants' counsel.*—Has Amos Peaslee been a preacher in your society? He formerly was, but I do not now consider him to be such. Do you know of what Monthly Meeting of Friends he is a member? I do not believe him to be a member of any Monthly Meeting of Friends. Do you know of what Monthly Meeting of Friends he was a member? I have been told, that he was formerly a member of the Monthly Meeting of Friends at Woodbury, New-Jersey, but that he is now disowned by them. Do you know at what time that supposed disownment took place? I do not know the precise time he was disowned. Is it not a direct breach of the discipline of the society, to direct a preacher to sit down, when addressing a public meeting? If such minister is not approved, or not in membership, it is no breach of discipline to request him to sit down; and I never knew an instance of an approved minister in our society so directed.

WILLIAM JENKINS.



Affirmed and subscribed before me, a Justice of Peace of the county of Jefferson, state of Ohio.

WM. SMITH, *Justice of the Peace.*

*Deposition of Fleming Bates.*

Personally appeared before me, at the house of George W. Banks, Esq. in Mount Pleasant, on the 16th day of September, 1828, between the hours of 8 A. M. and 9 P. M. Fleming Bates, of Hanover county, Va. who stated as follows:—

This deponent being first duly affirmed, deposeth and saith, that he is a citizen of Virginia, and a member of the society of Friends, belonging to the Yearly Meeting held in that state. That he attended a public meeting for worship, held at Mount Pleasant in the afternoon of First-day the 7th inst. Soon after the meeting was gathered, an individual, whom this deponent was informed was Elisha Dawson, got up and spoke for a considerable time; a few moments after he sat down, Amos Peaslee stood up, and in the course of his remarks, occupied much of the time of the meeting; while he was speaking, Jonathan Taylor requested him to sit down, observing that he thought it unbecoming in individuals who had no right in the society, thus to intrude themselves, and impose on the time and attention of the meeting, or words to that effect. To this request the said Peaslee paid no respect, but went on speaking; when Elisha Bates told him to sit down, and informed the meeting that he, the said Peaslee, had no right in the society of Friends, and that he had the day before been furnished with a testimony of disownment, by the clerk of the Monthly Meeting to which he had belonged. This for a short time excited much noise and confusion in the meeting, but Peaslee went on and finished his harangue.

On the 8th inst. this deponent attended the meeting of a committee of the Yearly Meeting of Ohio, on whom devolved the care of attending to the concerns relating to the civilization of the Indian natives. This committee met at 8 o'clock in the morning; at that time there were a number of other individuals in the house, who, this deponent was informed, were representatives and door-keepers, appointed by the Quarterly Meeting. They did not occupy the same apartment with the committee on Indian concerns. The business of the said committee, was frequently interrupted by loud knockings at the door, and by a tumult which seemed to be gathering in the yard. They, however, continued their deliberation till near half past 9 o'clock, when they adjourned to give place to the Yearly Meeting, which was to convene at 10. Friends then took their seats; the south door, and that toward the north-east corner of the house, were opened, and the door-keepers repaired to their places. From the noise and tumult in the

yard, it soon became apparent that a number of disorderly persons were about to enter the house. At the south door, a condensed crowd presented themselves, whose entrance was for a short time opposed by the door-keepers within.

Friends, however, from the gallery, again and again called to them, if violence is used, give way and let them come. They gave way, and a crowd immediately entered, some of whom ran and broke open the door near the south-east corner of the house, with great violence; soon after this occurrence, another violent pressure on the door-keepers stationed at the door near the north-east corner, was made, and when they gave way, Amos Peaslee and Elisha Dawson, preceded and followed by a condensed crowd, entered, and in a few minutes the floor of the house was crowded to excess. A Friend then informed the assembly, that many of the seats in the youth's gallery were unoccupied, to which they were requested to repair; but this was an advantage, of which those who occupied the spaces leading from the doors did not appear disposed to avail themselves. A short pause of comparative quiet ensued, in which an aged Friend was engaged in vocal prayer. Soon after that, Jonathan Taylor, the clerk of the meeting, pursuant to his duty, prepared to open the meeting, when an individual in the crowd, said it devolved upon him to state that the clerks had become disqualified to serve the meeting, and proposed that others should be appointed; this was assented to in a clamorous manner, by a number of individuals speaking at the same time, and others in rapid succession. Another individual then proposed that David Hilles should be appointed to that service—this was also assented to by a number of individuals in a manner unprecedented in any of the meetings of the society of Friends, that this deponent had ever seen—their assent resounded in acclamations from the floor to the upper galleries, and, to the ear of this deponent, in divers instances, seemed to be repeated by the same voices several times.

In the mean time, the regularly appointed clerks, in whose hands the reports from the Quarterly Meetings had been placed, proceeded to call the names of the representatives, all of whom answered to their names except five, for the absence of two of whom reasons were given in. Loud and repeated calls from different parts of the house were now made, to bring David Hilles to the clerk's table.

A crowd, occupying the space before the gallery steps, above which the table was placed, and the clerk's seat, was collected, and several efforts were made to force their way through the Friends who occupied the steps, but they standing firm in their places, those efforts were defeated. In the meantime, a number of those persons engaged in these disorderly and outrageous

proceedings, were called by the assistant clerk, and by him requested to leave the house. In this stage of proceedings, the attention of this deponent was directed to an individual in the youth's gallery nearly opposite to where he sat, who, addressing himself to those who sat in the ministers' gallery and on the benches below it, observed that the sound board above them was loaded with an immense crowd; that it would probably give way and crush to death all beneath it. The individual who sat next this deponent, seemed alarmed, and was about to leave his seat; but this deponent requested him to be quiet, saying, that he believed there was no danger, and that it was only a stratagem to gain possession of that part of the house. A few minutes after, there was a crack of something apparently over our heads, similar to breaking a lath, and instantly a cry was raised and resounded on all sides, that the galleries were giving way; that the house was falling. The consternation and tumult that ensued, were truly appalling. This deponent sprang forward, over two of the benches, then turned, and particularly observed the ceiling of the sound board and of the galleries, and finding that nothing had given way, was immediately assured that it was a false alarm. He saw, however, the crowd pressing forward towards the clerk's table, without the least loss of time. He saw individuals standing near it, in whose personal safety he felt a deep interest, and determined to be as near them as possible. By crossing the benches, he immediately entered the ministers' gallery, and pressing through those standing in it, advanced to the clerk's table. The door immediately behind the clerk was then open. A number of individuals on both sides the table, held it firmly, by whose exertions it was soon broken into fragments. A violent pressure was then made from the gallery steps, towards the door, in rear of the clerk's seat—this deponent saw Jonathan Taylor yield to it until his back came in contact with the post of the door. The crowd pressed on; I saw his countenance change; and believing he was threatened with instant destruction, cried aloud, give back, or Jonathan Taylor will be crushed to death—others joined in spreading the alarm, when the crowd gave way and released him from his perilous situation. He was taken out of the house, and when he returned, a proposition was made to adjourn the meeting. The representatives being called, answered to their names, and the meeting adjourned, to meet at 10 o'clock the next day, without a dissenting voice.

*Question by Attorney for the State.*—According to the practice and discipline of the Yearly Meeting, was the motion in order for the appointment of a clerk, when the regular clerk was present and at the table? It was not in order, according to the usage of the Yearly Meeting of Friends in Virginia.

Is it the practice at that Yearly Meeting, or any other which you are acquainted with, to have door-keepers? It is the practice in that meeting to appoint persons to see that order is preserved—as to the practice of other meetings, I am not acquainted with it.

*Question by defendants' counsel.*—Had you not expected, previous to the commencement of this Yearly Meeting, that there would be some dissention amongst its members? If so, state your reasons for that expectation? I am quite a stranger in this country, and had no personal knowledge of the dissentions that exist. Had you not learned from the members of this Yearly Meeting, that there were dissentions among its members? I had. Had you learned from any of them that there would be an attempt made to exclude a part of the members from the house? I never learned from any of the members of this Yearly Meeting, that any attempt would be made to exclude any individuals, who, under the discipline of the Yearly Meeting, had a right to be there. Had you learned from any of them that a difficulty was expected at the Yearly Meeting? I believe those with whom I associated were not in the counsel of those that produced difficulty. Are not the members of this meeting divided by their dissentions into two parties? I have understood that they were so. By what distinguishing names are these two parties generally designated? Where a separation has taken place in meetings, and more especially within the limits of Philadelphia Yearly Meeting, I believe the followers of Elias Hicks are generally called separatists—where that disunion in meeting has not taken place, they are generally denominated Hicksites—Friends have not changed the name by which they were formerly designated. What name do those of whom you speak, as being called separatists, or Hicksites, give themselves? I have understood they called themselves Friends. Do they not claim to belong to the ancient society of Friends? I have understood they make such pretensions. What proportion of the members of the ancient society Friends, within the limits of the Philadelphia Yearly Meeting, belong to this party? I have no knowledge of the facts relating to that question. And further this deponent saith not.

FLEMING BATES.

Affirmed and subscribed before me, this 16th day of September, 1828.

WILLIAM SMITH, *Justice of the Peace.*

*Deposition of Abel Coffin.*

Personally appeared before me, at the house of George W. Banks, in Mount Pleasant, on the 15th day of September, 1828, between the hours of 8 A. M. and 9 P. M. in pursuance of the

within notice, Abel Coffin, of Guilford county, N. C. who being duly affirmed, deposes and saith,

On the morning of the 8th inst. I attended Friends Yearly Meeting, at Mount Pleasant, which met near the tenth hour in the morning. Jonathan Taylor opened the meeting—Amos E. Kimberly, assistant, called the representatives, but was interrupted by a very disorderly club, or mob, who rushed forwards with great violence, pushing and crowding towards the table, entirely contrary to all order of the society of Friends, and got to the table. In trying to remove the clerk from the table, or the table from the clerk, they broke the table in pieces, and hurt Jonathan Taylor very seriously—he had to be taken home, and kept his bed for a day or two. They having nominated their clerk, and by violence taken possession of the clerk's place, Friends then adjourned to the 10th hour the next day, and met near the time adjourned to; but were not allowed the privilege of holding the Yearly Meeting of Ohio, in Mount Pleasant meeting house—these same people still holding the meeting house, and refusing to give possession to Friends to hold their Yearly Meeting. They then assembled in the yard—held a meeting, and then adjourned to Short Creek meeting house.

*Questioned by Attorney for the State.*—Of what Yearly Meeting of the society of Friends are you a member? Of North Carolina. Is it, or is it not the usual practice of the Yearly Meeting of that society to have door-keepers, when transacting the business appertaining to such meeting? If so, how long has that practice continued, and what are the duties of such door-keepers? It is, and has been the practice ever since my recollection. Their duties are to keep the meeting select, and to prevent those who have not a right in the society of Friends, from entering the meeting. According to the rules of the society of Friends, was the motion for the appointment of a clerk in or out of order, when the regular clerk was present and at the table? Out of order, and contrary to the discipline of the Yearly Meeting of which I am a member.

*Questioned by defendants' counsel.*—Did not those persons of whom you speak, as a club, or mob, claim to be members of Ohio Yearly Meeting? I do not recollect that I heard them claim to be members of the Ohio Yearly Meeting; neither do I think they were. What were the acts of violence of which you speak? They with force and violence pressed forwards towards the clerk's table, and in attempting to take it broke it to pieces. Did not these persons of whom you speak, proceed to hold a Yearly Meeting in Friends' meeting house, and were not the doors open at all times for the admission of Friends belonging to Ohio Yearly Meeting? As to what they did, I

did not witness, as Friends adjourned their meeting and left the house,—the doors were open. Did you see any threatening gestures, or menaces of injury to any one, during the transaction of which you have spoken? The conduct of many was really alarming to me, and I did apprehend danger. I think they would have soon committed further outrages.—And further this deponent saith not.

ABEL COFFIN.

Sworn and subscribed before me,

WILLIAM SMITH, JR. *Justice of the Peace.*

*Deposition of Thomas Ladd.*

The deposition of Thomas Ladd, of the city of Richmond, and state of Virginia, taken this 16th day of September, 1828, at the office of George W. Banks, in Mount Pleasant, Jefferson county, in a suit now depending; wherein the state of Ohio is complainant, and David Hilles and Isaac James are defendants.

This deponent, being first duly affirmed, deposeth and saith, that he is a member of the society of Friends, belonging to the Yearly Meeting of Virginia—that he attended a meeting for public worship at Friends' meeting house, in Mount Pleasant, Ohio, in the afternoon, on First-day, the 7th inst.; and soon after, if not before the meeting was gathered, a person, who, this deponent was informed, was Elisha Dawson, got up and spoke a considerable time; when he sat down, Amos Peaslee stood up, and also spoke a considerable time; when Jonathan Taylor and Elisha Bates requested him to sit down, informing the meeting that the said Peaslee was not a member of our society; that he had been regularly disowned by the Monthly Meeting to which he had belonged; and that a copy of his paper of disownment had been delivered to him, I think, on the day before, and this circumstance I suppose to be one of the reasons that induced the said Taylor and Bates, to oppose him so publicly as they did—such a course being perfectly consistent with the rules of our society. This deponent also attended a committee of the Ohio Yearly Meeting at the same meeting house, on the following morning, about 8 o'clock, on the subject of the civilization, &c. of the Indians. After being there some time, a considerable gathering was heard about the doors, and the committee adjourned to meet at another time; soon after which, directions were given, but by whom I know not, to open the doors; this was before the hour of 10 o'clock, the time of the meeting for transacting the business of the society; the south door, and one of the east end doors were then thrown open, through which the gathering was pretty rapid. I distinctly understood that door-keepers were placed at the doors for the purpose of warning all those persons who

had no right of membership, or right to come in, not to enter. As the gathering continued, the rush appeared to increase; from which circumstance, I concluded that persons who had no right to enter were coming in, though I, being an entire stranger, could not tell who had not the right of entering, nor many who had. During one of these rushes, some persons pushed with great rapidity, to the other east end door, and opened it; but who they were, I know not. At or about the same time, some rushed with the like rapidity through the partition door, or shutters, into the women's apartment, for the purpose, as I supposed, of opening any out-door that might be there shut. Finally, the different and violent pressures from without, literally filled the house. About this time an ancient Friend appeared in supplication; soon after the close of which, a person whom I did not know, rose and observed, that from the disqualification of the clerk (from some cause which I do not distinctly recollect,) the duty devolved on him, to propose the appointment of some other person to act in his place, or words to that import. The meeting was informed that the clerk was at the table, or in his place; soon after, or about the same time, Jonathan Taylor, the previous, regularly appointed clerk, opened the meeting, and was regularly proceeding in the business thereof, when David Hilles was named by some one as a suitable person to act as clerk, which, by the voices of some others, was approved, and he, David Hilles, was urged to go to the table. But the passage way, as well as the benches near, and towards the clerk's table, was closely filled with those who were not disposed to give way for David Hilles to go to the table; nevertheless, the advocates of his appointment, almost incessantly called out to persevere in getting him to the table, which created a great uproar and confusion, which were increased by an alarm being given that the gallery or house was falling. These proceedings created in my mind sensations of utter dismay, and feelings truly appalling; and constituted what I consider the greatest riot, I ever witnessed in a large assembly of people of any description whatever, more especially, an assembly collected for the performance of religious duty. Although most, if not all the other Yearly Meetings on this continent (several of which I have attended) are in the practice of appointing door-keepers, yet it has not been found necessary for the Yearly Meeting of Virginia to do so, as that Yearly Meeting is a small one, and held in a country place; and has never, in my recollection, been intruded on by persons having no right of membership with us. Were it otherwise, I have no doubt they would adopt the practice. Neither in our own, nor in any other Yearly Meeting of Friends, I ever attended, (except the present one here,) did I ever know a motion made for the appointment of a



clerk, when the regular clerk was in his place; and such a procedure is entirely out of the regular order of the society.

*Question by defendants' Counsel.*—Was not David Hilles nominated as clerk before Jonathan Taylor had opened the meeting? This question is distinctly answered in the body of my deposition, that the nomination was afterwards. Did you see any acts of violence, menaces, or threatening gestures on the part of either of the defendants? I do not personally know either of them; of course, my answer must be in the negative. If the clerk of the Yearly Meeting, appointed at a previous meeting, had disqualified himself for acting as clerk, would it not be proper for the meeting to proceed to fill the vacancy by the appointment of another clerk? I never knew a circumstance of this kind to occur in any Yearly Meeting which I have attended; but the usual, if not the universal practice, of appointing the clerks of the Yearly Meeting, is, for the representatives of the different Quarterly Meetings to confer together, and bring forward the name of a suitable person to act in that station. And further this deponent saith not.

THOMAS LADD.

Affirmed and subscribed before me, this 16th day of September, 1828.

WILLIAM SMITH, *Justice of the Peace.*

*Deposition of James Stanton.*

Personally appeared before me, at the house of George W. Banks, in Mount Pleasant, on the 16th day of September, 1828, between the hours of 8 o'clock, A. M. and 9 o'clock, P. M., James Stanton, of Warren County, State of Ohio, who, being duly affirmed, deposeth and saith:

That he is a member of the society of Friends of Indiana Yearly Meeting, and that he attended at Mount Pleasant meeting house, on the 8th of the present month, about 8 o'clock, A. M. with a committee on Indian concerns. This committee adjourned a little before 10 o'clock, to give way to the Yearly Meeting, when the doors were requested to be opened, and were so opened for Friends generally. I discovered considerable disorder, and several young men coming in hastily and rushing towards the gallery. One or more passed on and opened the partition door, and went into the women's apartment in a disorderly manner, as I supposed, to open a door or doors in that apartment, to make way for persons to come in, who had not a right to membership in the society. I was accordingly of the opinion, that it was premeditated to disturb the Yearly Meeting. And although the confusion still seemed to increase, our friend Thomas Shillitoe, from England, appeared in supplication, which appeared to produce a stillness for awhile.

Soon after, a person, who, I have since understood, was Israel French, said it devolved on him to inform the meeting, that the present clerk had become disqualified for serving the meeting as clerk, by his conduct the day before, and proposed that another person should be appointed to fill that station, (or words to that import.) About this time, Jonathan Taylor, clerk, read the opening minute, and Amos E. Kimberly, assistant clerk, called the names of the representatives, who, with few exceptions, were present, and answered to their names. It is my impression, that during the time the assistant clerk was calling the names of the representatives, David Hilles was nominated for clerk, which was approved of by some persons, and opposed by others, who stated that the regular clerk was then at the table. David Hilles was repeatedly urged to go to the table, and violence was used by his party, to make way for him to get to the table. And after great exertion by himself and party, he arrived at the place near where the clerks were seated; and proceeded to read what I suppose they called an opening minute; soon after which, a proposition was made by Friends to adjourn the meeting, until 10 o'clock the next day, which was united with by the representatives and Friends, without a dissenting voice.

I have been a member of Indiana Yearly Meeting for several years, and it has been the uniform practice of that Yearly Meeting, to have door-keepers to keep the meeting select, that is, to prevent persons who are not members, and such as are under dealing in their respective Monthly Meetings, from intruding on the meeting. And being situated where I could observe the door-keepers, it appeared impossible for them to discharge the duties that devolved on them.

*Questioned by Attorney for the State.*—According to the rules of discipline of your meeting, was the motion for the appointment of a clerk in order, when the regular clerk was present and at the table? I did consider it entirely out of order, and contrary to our discipline.

*Questioned by defendants' counsel.*—Are the rules and discipline of your Yearly Meeting binding upon the Ohio Yearly Meeting? I do not think they are. In case of the death or incapacity of the clerk of your Yearly Meeting, what would be the method of appointing a clerk, to open the Yearly Meeting? I think the representatives would be requested to withdraw, and bring forward the name of a suitable person. Are any persons recognised as representatives to the Yearly Meeting, until they have presented the evidence, of their being such, to the Yearly Meeting? I do not suppose they would be known. The names of the representatives are carried forward in the reports, from the Quarterly Meetings, and delivered to the

clerk. The clerk then reads their names, and announces them to the Yearly Meeting. Can the representatives be known to the meeting, till their names have been called by the clerk? They are not generally known, until their names are called by the clerk. Would the representatives have any authority to nominate to the meeting, a clerk, until a minute had been made in the records of the meeting, authorizing them to do so? I think it would be proper for them to bring forward a name, if there was no person to act as clerk. And further this deponent saith not.

JAMES STANTON.

Affirmed and subscribed before me, this 16th day of September, 1828.

WILLIAM SMITH, *Justice of the Peace.*

*Deposition of Josiah Tatum.*

Also at the house of the said George W. Banks, in Mount Pleasant, on the 16th day of September, between 8 o'clock A. M. and 9 P. M., personally appeared before me, Josiah Tatum, of Gloucester county, New-Jersey, who, being duly affirmed, deposeth and saith,

That on the morning of the 8th inst. about 8 o'clock, I went to Friends' meeting house at Mount Pleasant, to attend a committee of the Yearly Meeting, appointed for the civilization, &c. of the Indians. That committee adjourned to another day, and towards 10 o'clock, the hour appointed for the Yearly Meeting to assemble, the front door and one of the end doors were opened for the admission of members of our religious society. A great crowd was collected around the house, and I frequently saw persons, whom I supposed to be door-keepers, remonstrating with individuals. The noise and disorder increased, till, at length, I saw a person wedging himself among the door-keepers, and breaking through them with great violence. He forced himself into the house. After this entrance, the disorder continued to increase, and rush after rush was made into the house, overpowering and completely throwing out of their ranks, the persons stationed at the doors, to prevent such as were not members from entering. It is always intended, that the meetings for business of the religious society of Friends should be held select; that is, that they should be attended only by such as are members of the society: and I believe that those who were thus violent in their attempts to enter the house, and who did thus violently enter it, were such as had not a right to attend the Yearly Meeting. Being a stranger, I did not know them personally, excepting, however, Amos Peaslee, whom I recognised in the house, and who entered during this alarming tumult, and who has been regularly disowned by the Monthly Meeting of which he was

a member. The house became full to overflowing. A person, whom I could not see, proposed that the meeting should name a clerk; though, on the other hand, it was observed, that the clerk of the Yearly Meeting was at the table. Jonathan Taylor soon opened the meeting, and endeavoured to proceed with its business, though obliged to stop, in consequence of the clamour and uproar that prevailed. David Hilles was named to go to the table; and now the great object of the rioters was to get him there. I have said, the house was full; the passages were apparently one solid column, and as Friends remained firm in their places, it was evident to the rioters that David Hilles could not be got to the table without great difficulty. An alarm was given that the galleries were falling; this, however, did not succeed. Friends remained generally in their stations, and a scene of tumult and outrage ensued, to which, perhaps, no religious society, quietly seeking the enjoyment of their acknowledged religious rights, were ever before subjected, under a free government. Jonathan Taylor was removed from the table; the table was broken to pieces; part of it was shoved along under my feet; a person, whom I supposed was David Hilles, commenced reading. Friends perceived that the business of the Yearly Meeting could not be prosecuted to advantage. Jonathan Taylor, and his assistant, Amos E. Kimberly, again called the representatives, and the meeting, without a dissenting voice, that I heard, adjourned to the next morning at 10 o'clock; about which time, Friends gathered in the yard, but the house was found to be still in the possession of these same rioters, as I believe. A demand of the house was made, in the name of Ohio Yearly Meeting; it was not, however, obtained. The Yearly Meeting was opened in the yard, by the assistant clerk; for Jonathan Taylor, the clerk, had been so seriously injured in the riot of the preceding day, as to be unable to attend. It subsequently adjourned, to meet again the next morning, at Short Creek meeting house, where it is still sitting.

*Question by Attorney for the State.*—Will you state what Yearly Meeting you are a member of, and whether it is, or is not, the usual practice of your meeting, to have door-keepers stationed at the doors, when transacting business, appertaining to such meeting? If yea, how long has that practice existed, and what is the particular duty of the door-keepers? I am a member of Philadelphia Yearly Meeting. Ever since my recollection, it has been deemed necessary to have door-keepers in attendance; their duty is, to see that none enter but such as are members of the society of Friends, and if any such should enter, to remove them. According to the rules of the society, was the motion for the appointment of a clerk, in, or out of order, when the regular clerk was present, and at the table?

I consider it in direct violation of the order of society: I never knew of such a thing being done in a Yearly Meeting. Were you present at the meeting of Friends at Mount Pleasant, the afternoon previous to the 8th instant? if so, will you state what knowledge you have, as to any disturbance of that meeting, by whom, and in what manner? I was present on the afternoon of the 7th inst. The hour appointed for the assembly to gather was 3 o'clock: five minutes before three, by my watch, Elisha Dawson rose, and spoke a considerable length of time; very soon after he sat down, Amos Peaslee rose, and also spoke for several minutes, when he was requested to sit down by Jonathan Taylor; he, however, disregarded the request, and then Elisha Bates repeated Jonathan Taylor's request. While Elisha Bates was speaking, there was great disorder, and a number of persons cried out, in great rudeness, "carry Elisha Bates out." Will you state why Amos Peaslee was requested to sit down? Because he was known not to be a member of the society of Friends; and because it was considered an unreasonable imposition, that any person, not a member, should be permitted to disturb our religious meeting.

*Question by defendants' counsel.*—Do you know whether, or not, those persons who were refused admittance by the door-keepers, were members of the society of Friends? I am a stranger in this part of the country, and knew, comparatively, but few persons in the house. I never knew of door-keepers in attendance in our meetings for business, to refuse admittance to members of the society, if they were known to be such, unless they had become offenders, and were, as such, under the care of their Monthly Meetings. Was David Hilles nominated for clerk, before or after the old clerk had read a minute opening the meeting? I cannot be positive on this point; my impression is, that he was not nominated till after Jonathan Taylor had opened the meeting. Was not his nomination approved by a large number of the meeting? There was a loud clamour of approbation, but that it proceeded from persons who had a right to be in the house, much less to give a voice in the meeting, I should not, on the affirmation I have taken, dare to say. Did any considerable number object to that nomination? Yes, a large number objected; it was replied, that the clerk was at the table. Was there the greater number who opposed or objected to that nomination? It is impossible for me to say; the question was never before the meeting. Do you know who gave the alarm that the galleries were falling? I do not know. Do you know that the alarm, that the galleries were falling, had any connexion with the appointment of the clerk, which was going on in the meeting? The appointment of clerk was not going on in the meeting. He had been appointed the year before: the discipline of this

Yearly Meeting makes it his duty to serve the first sitting of the year after his appointment. That the alarm had connexion with the circumstances, that were wished to be brought about by those who raised the tumult, I decidedly believe. When you say that the meeting, without a dissenting voice that you heard, adjourned, who do you mean to be understood were the meeting? I mean to convey the idea, that I have no recollection of hearing a dissenting voice from any person in the house. Did the representatives from the different Quarterly Meetings adjourn the Yearly Meeting, or did the body of the meeting adjourn it? In the midst of the confusion that had prevailed, a proposition was made to adjourn the Yearly Meeting to the next day; no objection was made; the names of the representatives were called, and they, I think, unanimously confirmed the adjournment. Had not David Hilles opened the meeting as clerk, before the adjournment you speak of in your last answer? Yes, with the violence that was used, he might have done any thing. Are not the members of the society of Friends now divided into two parties? The members of the society of Friends may have different views, but the society itself retains its integrity, and is one united and undivided body. By what distinguishing names, are those, entertaining different views, designated? The name of the society of Friends, or Quakers, is well known. I do not know of any other name in our society: the names, separatists, or Hicksites, and to whom these names apply, are also well known. Are not a part of the members of the society of Friends, sometimes called separatists, or Hicksites? There was a general meeting in Philadelphia, in the Tenth-month last, of individuals who had seceded from the society of Friends; many, or most of whom, had, or have been disowned by the society of Friends: this body are often called separatists, or Hicksites. What proportion of the ancient society of Friends, within the limits of the Philadelphia Yearly Meeting, belong to the general meeting you spoke of in your last answer? I have no means of ascertaining, with any degree of precision. I have attended Philadelphia Yearly Meeting for a number of years past: I attended it in the Fourth-month last, and I believe it could not have lacked one-fourth of its usual size. Do not the members of the general meeting you speak of, claim to be the ancient society of Friends? I never attended one of its sittings, having no right to do so, and am unacquainted with its claims. Has not the Baltimore Yearly Meeting of Friends, recognised it as a Yearly Meeting of the society of Friends? I do not know that it has. What is the relative proportion of those parties who attended the last Ohio Yearly Meeting, on the 8th instant? I cannot say with precision, but after the Yearly Meeting had adjourned, and Friends

had left the house, I should suppose generally, I went to the door of the house, and took a survey of the persons then in it, and taking them all, black and white, they might amount to nearly one-third of the number who had at first assembled.

*Question by the Attorney for the State.*—You have stated that Amos Peaslee was disowned by the meeting of Friends, of which he had been a member; will you state how you became possessed of that information? I am clerk of that meeting, to wit, Woodbury Monthly Meeting, and have been its clerk for several years, and of course am acquainted with all its transactions, and am in possession of all its records; and further, on the morning of the 6th instant, I put a copy of the minute of his disownment by Woodbury Monthly Meeting into his hands.

[The defendants objected to the last question and answer.]

Have you seen a paper, purporting to be a certificate from the society of Friends, authorizing Amos Peaslee to travel as a minister, issued from the Monthly Meeting of Woodbury, dated 28th of Fourth-month, 1828; as also one from the Quarterly Meeting of Salem, bearing date the 15th of Fifth-month—and if so, state when and where it was, and whether or not it is what it purports to be—a certificate from the society of Friends, or from another and distinct society? Such certificates, one of which is marked (N,) in the possession of Roswell Marsh, are now before me. I do not consider these certificates as proceeding from meetings belonging to the society of Friends. Seth Matlack and Anna Peaslee, who have signed one of them as clerks, having been disowned by the long established Monthly Meeting of Woodbury, which is one of the constituent branches of the ancient Yearly Meeting of Philadelphia: and further, Samuel Webster is at this time, and has been for several years, the clerk of Salem Quarterly Meeting of Friends in New Jersey, and Salem Quarterly Meeting was not held at Woodbury in the Fifth-month last, but at Salem. The bodies who appear to have issued these certificates belong to that general association, spoken of above as having assembled in Philadelphia in the Tenth-month, and with this association the society of Friends have no correspondence. What number of adults compose the Woodbury Monthly Meeting? I am unable to say with precision. Are there seventy? No, I should not think there were, yet there may be. Had not the great body of this Monthly Meeting appointed as clerks of the meeting, the persons whose names are signed as such, to the certificates you have above referred to? No—the persons referred to are not members of that Monthly Meeting. Do they not reside within its boundaries, and claim to be members of that Monthly Meeting? They do reside within its limits—the certificates will show their claims



—claims are not always right. What number of the members of that Monthly Meeting united in their disownment, and in the disownment of Amos Peaslee? I never heard a dissenting voice on the subject in the Monthly Meeting, that I have any recollection of. What number attended at the Monthly Meeting at which these persons were disowned, and what number of members were disowned at that meeting? I am not able to say. Were there ten present? I never, I believe, was at a Monthly Meeting where there were so few present as ten. Is the Woodbury Monthly Meeting, to which you allude, now held at the same place at which it has heretofore been held previous to any dissention in the meeting? Yes.

And further, this deponent saith not.

JOSIAH TATUM.

Affirmed and subscribed before me, this 16th day of September, 1828.

WILLIAM SMITH, *Justice of the Peace.*

*Stacey Bevan affirmed on the part of the prosecution.*—Witness stated that he was at the conference held at Plainfield, and it was agreed to meet in the usual way, at the meeting of Friends, both Quarterly and Yearly, notwithstanding what might have been done previously—that they would continue to hold their meetings, regardless of the orthodox meetings. It was a general conference from the Quarterly Meetings, constituting the Ohio Yearly Meeting. There were a number of persons who were considered as disowned persons. Borden Stanton and Isaac James were present. Is there any order of society for holding such a meeting? I think not; there were one or two such meetings previous, preparatory to this great conference. Do you know whether those who were present at that conference, and entered into the agreement, were present at the Yearly Meeting on Monday morning? I cannot say; I got there late, and soon left the meeting. Were there any orthodox Friends at Plainfield conference? Not one. What was the agreement? The conclusion was, that they were generally to attend the Quarterly and Yearly Meeting; and then, whatever course was considered most prudent, was to be adopted; and they were to hold a meeting at Barnsville, if they were not received by Friends, as usual, altogether. It was the Hicksite party that there assembled? Yes.

*By Mr. Tappan.*—Were you a delegate there? No. Were the resolutions written down, and then read over, and approved by the meeting? They might have been—I do not know. [Here a paper was shown, purporting to be the minutes of the conference, which were read by the witness.] He believed them

to be, in substance, an account of what passed there. They agreed to go to the Yearly and Quarterly Meeting, and to use no violence, even if opposed. It was understood that they were to go and assert their rights, in a peaceable and orderly manner? Yes.

*By Mr. Wright.*—Was Borden Stanton there? He was, and occupied the highest seat.

*By Mr. Tappan.*—Did you know that Borden Stanton was disowned? I did not know it, only by hearsay—I am not certain that he was disowned, or whether it was upon the same principle as the Concord members were disowned.

*Peter Sears affirmed.*—This witness gave place for the examination of the following witness.

*George Smith affirmed.*—Witness was at the Yearly Meeting at Mount Pleasant, Ohio, on Third-day morning—saw Eli Townsend there; who said he had staid in the house all night with others. (Objected to by Mr. Tappan.)

*Mr. Wright* said he wished to show that this party kept possession of the house—that it was done in concert. That though this charge was against Hilles and James, for disturbing the meeting on Second-day, he thought it proper to show, that they went there with a view to disturb the meeting; that they went with illegal and immoral views.

*Mr. Tappan.*—It is attempted to show that these men were acting in concert with others, but it has not been shown, other than at the conference, where there was no agreement to commit a disturbance. The agreement was, to conduct themselves in a peaceable and orderly manner, according to the usage of the society. They meant to assert their rights as members of the society, yet to do it in an orderly manner. There can, therefore, from this evidence, be no claim, that they entered into an unlawful agreement. These parties, who, it is said, were confederates, cannot be guilty, unless a confederacy between these men and those individuals could be made out. In meetings of this kind, it must be apparent, that where fifteen hundred persons, of different sentiments, are assembled, they will have different feelings, as to the manner in which they ought to assert their rights. They have different opinions as to their religious sentiments and rights, in that meeting; and it is probable in such a multitude, there were a great diversity of opinions, as to the proper mode of proceeding. Some of hasty temper, would be for proceeding in a more ardent manner than others of a cooler temperament. Therefore, to make what would be approved by the most hot-headed in feelings and sentiments, a standard, and presume that all others were of the same sentiments, would be upon the face of it unjust. If any such concert existed between the persons charged, and

others, why are not the others called to prove that concert? Why this loose hearsay called up, when there is better evidence in the power of the party to produce? They might examine any individual, who they think had entered into that agreement. To this we would not object; but we do object to the admission of hearsay, through a third person, and particularly as to what was transacted after the alleged offence.

*The Judge.*—Where you prove a confederacy, or concert, the declaration of all the parties concerned at the time, are evidence against each. And all the previous conduct—previous declarations, plans, &c. are evidence against the whole; but it does not occur to me, that the doctrine has been carried so far as to say, where a part are under prosecution, that the acts of others, after the prosecution, shall be evidence against those on trial.

*Mr. Wright.*—We claim that the disturbance continued till the next day.

*Mr. Tappan* said the parties were tenants in common. Elisha Bates had no more right to exclusive possession than others. There is no proof that Hilles and his party attempted to expel the others—they never were driven out; they abandoned the house, and went off without any compulsion. There is nothing in all the evidence that will show the least intention to expel them. There was nothing to hinder them from taking their seats on Third-day. This is distinctly proven. Those in the house had no objection to their co-tenants coming in and taking possession.

*The Judge* confirmed the objection.

*Peter Sears*, who had been previously affirmed, read a minute from Stillwater Monthly Meeting, disowning Borden Stanton, and also the report of the committee appointed to visit him. They report, that he persists in his course, and a committee were appointed to inform him of the decision of the meeting. Witness also read a report of the committee who waited on him on the 23d of Second-month, 1828, with the testimony of disownment, &c.

*Cross-examination.*—(From some cause, not now recollected by the reporter, this cross-examination was not very perfectly recorded; nor can he discover from his notes, that it contains any thing material in the case. The substance, as far as can be found, goes to make out an informality in the mode of proceeding against the individual above-mentioned; who, it appears, was disowned upon the same grounds as others of that Monthly Meeting, with the addition of informality.)

*Mr. Wright* here read from the 28th, 37th, and 88th pages of the Discipline of Ohio Yearly Meeting, and the prosecution rested.

## FOR THE DEFENCE.

*Mr. Marsh* read, as the first item of evidence, the deeds of trust for the Yearly Meeting property at Mount Pleasant, Ohio. See a future page.\*

*Deposition of Richard Barnard.*

Personally appeared before me, this 16th day of September, 1828, between the hours of 8 o'clock A. M. and 7 o'clock P. M. of said day, at the house of Israel French, in Mount Pleasant, Jefferson County, (to which place the taking of this deposition was adjourned by consent of the attorneys,) Richard Barnard, who being first duly affirmed, deposeth and saith,

On First-day the 7th inst. I attended a meeting for worship, in the afternoon of that day, held by the society of Friends in their meeting house at Mount Pleasant; Amos Peaslee, an approved minister of the aforesaid people, travelling with a minute of unity from the Monthly and Quarterly Meeting of which he is a member, had proceeded some time in a solemn and weighty address to the meeting, when Jonathan Taylor directed him to sit down. He, however, continued his address. Elisha Bates then rose, and called him by name, and directed him to sit down; Elisha continuing to speak—he was, by sundry persons unknown to me, requested to sit down. Not doing so, I heard a voice from some person, saying, “carry him out.” Many then rose on their feet, whom Amos addressed in this feeling language—“for the Lord’s sake, be still.” They immediately took their seats; Elisha Bates also took his seat, and made no further interruption. On the morning of the 8th, the Yearly Meeting of Ohio met in the same house. As I was going towards the meeting house, I saw a number of men who were stationed by the doors of the house, and the gates of the yard, as guards, who attempted to stop some from going in. I saw some make several attempts to go in, but were prevented by some of these guards, two of whom attempted to stop me, as I was about to enter the yard; continuing to walk on, they proclaimed after me, “we don’t acknowledge thee.” As I entered the door of the house, I saw the guards of the door trying to get between me and the door; but the crowd was so great their attempts failed. After I took my seat, I had a full view of the front seats; they were stowed entirely full, and even standing at the foot of the steps which led to them. And as some were coming into the house they beckoned to them, and put them forward, and persons would rise and give a seat, and come down to the common floor, and pass away. Before

\* This important extract, for which we expect to be indebted to the politeness of the defendants’ counsel, and the medium of the mail, though not received in time for its proper place, will, we hope, be inserted in a later page of the work, where it may be referred to by the index.

the meeting entered on business, a Friend observed that the recent conduct of the clerk had disqualified him from being the organ, through which the meeting might transact its business; he therefore thought it would be best for the meeting to name a Friend, to act as clerk for the day, that he might come forward and open the meeting; to which a very general expression of unity was uttered by the meeting at large. A Friend then offered for consideration of the meeting, the name of David Hilles, for that service, which was generally united with, and not a dissenting voice heard by me. He was then called to the table. Some person observed then, that the meeting had a clerk, and directed him to proceed to open the meeting, which Jonathan Taylor did, whilst many were endeavouring to get David Hilles to come to the table. As David began to advance, some persons gathered into the passage and obstructed the way. The young men assisted him. They found much difficulty in getting him along. They met with much difficulty in the passage, as many collected there and opposed them; I heard some say, "be firm, Friends, but use no violence." One called for the sheriff to take such men out of the house. One man called out, James Heald is using violence, he is striking. At this instant one man was striking, but I did not know him, but took him to be one of the guards. About this time, some person called out, "the gallery is falling;" upon which considerable alarm and confusion ensued; when it seemed to subside, I discovered the Friend who had been called to the table, sitting on the seat near to it. Some of those who had conducted him thither, endeavoured to persuade Jonathan Taylor to give it up peaceably, as he knew it was the meeting's wish that he should. He replied, "we will not, while we are able to hold it;" and as he and some other persons, were endeavouring to get it nearer to their side of the passage, others were engaged to get it nearer to David Hilles, who sat on the other side of the passage. It being thus strained both ways, went to pieces, and is no longer a table. David Hilles now opened the Yearly Meeting of Ohio, and some person seemed to write the names of sundry persons, and warned them to leave the house; stating, that they were intruders. When the table went to pieces, the weight of the party pulling on the side of Jonathan Taylor, fell against Jonathan, and shoved him against the arm of the bench, and seemed to squeeze him so hard, that some of the young men discovering it, used endeavours to relieve him. Some person read a minute of adjournment, and those styled orthodox left the house.

*Questioned by defendants' counsel.*—Where is your place of residence, and of what Yearly Meeting of Friends are you a member? My place of residence is Chester County, Pennsylvania, and I belong to the Yearly Meeting of Friends held in

Philadelphia, for Pennsylvania, New Jersey, Delaware and the Eastern Shore of Maryland. Are the members of the society of Friends within the limits of the Philadelphia Yearly Meeting divided into two parties? There are eleven Quarterly Meetings belonging to that Yearly Meeting, all of which are divided except one, and in that there has been no division. By what distinguishing names are the two parties, into which these meetings are divided, generally designated? Speaking of the world at large, one party is generally styled orthodox, while the other party is sometimes called Hicksites, and sometimes separatists. Neither of those parties acknowledge either of those names. Both claim the name of the society of Friends. Are you acquainted with Woodbury Monthly Meeting, in the state of New Jersey? I attended that Monthly Meeting, in the latter part of Twelfth, or the beginning of First-month last. Did a division then take place between the members of that meeting, of the parties you have above spoken of? If so, state in what proportion, as to numbers, they divided. A division that day took place in that Monthly Meeting. There were, I think, seven adult persons, members, besides the clerk and assistant, who withdrew from the meeting, and the clerk took all the books and papers with him. To which of the above parties did these persons who withdrew belong? They were of those called orthodox. What was the name of the clerk who withdrew? I do not recollect. What number of adult members remained in the house, when the above persons had withdrawn? I did not count them; I suppose there were between seventy and eighty. Did they proceed to elect or appoint other clerks to this Monthly Meeting? There was a friend called to the table to act as clerk for the day, and one to assist him. The meeting appointed a committee to bring forward a Friend for clerk, and one to assist him. What is the relative proportion of the members of these two parties, in the limits of the Philadelphia Yearly Meeting? Speaking of the members of that Yearly Meeting at large, the most moderate calculation, which in my opinion can in truth be made, is, that five-sixths of them are united in the attendance and support of the Yearly Meeting as it is re-organized. The one-sixth hold to what they term the old Yearly Meeting, which must be understood, to be those styled orthodox. To which of those parties does the undivided Quarterly Meeting belong? That Quarterly Meeting is united with, and is a branch of the Yearly Meeting that has been re-organized. The Yearly Meeting of which I am speaking was held on the second Second-day of Fourth-month last; the old Yearly Meeting was held on the third Second-day of that month, which those styled orthodox claim. Have any other Yearly Meetings of the society of Friends in America, recognised the re-organized



Yearly Meeting of Philadelphia, as a Yearly Meeting of the society of Friends? If so, state what Yearly Meetings have so recognised it. In the Yearly Meeting in Fourth-month last, an epistle was received, and read, from Baltimore Yearly Meeting, addressed to the Yearly Meeting of the society of Friends, to be held in Philadelphia, on the second Second-day in Fourth-month, for Pennsylvania, New Jersey, Delaware and the Eastern Shore of Maryland. There was an epistle received from the Yearly Meeting of Philadelphia, held on the second Second-day in Fourth-month last, which was read and answered in the Ohio Yearly Meeting, held in Mount Pleasant last week.

*Questioned by Attorney for the State.*—Are not the society of Friends commonly known as orthodox, and the society of Friends commonly known as separatists or Hicksites, two separate and distinct societies in Philadelphia, Woodbury, and Mount Pleasant in Ohio? In Philadelphia, I mean the Yearly Meeting held in Philadelphia, on the second Second-day in Fourth-month last, there were several who sat at that Yearly Meeting, that were of those styled orthodox; and it was known to the meeting; there was no distinction made whatever. The doors were open to any that were known to be members of the society. Of Woodbury I can say nothing; I have not been there since the day I mentioned. At Ohio the doors were opened; I heard a Friend declare in that meeting, that those styled orthodox were at liberty to come in when they should choose, and when they should think right, in any of the meetings of discipline, within the limits of our Yearly Meeting. I have never seen or heard any distinction held up by those who are sometimes called separatists or Hicksites; and some of those styled orthodox frequently attended there. Of those styled orthodox, I know nothing about them. I never attended any of their meetings, which they call meetings of business. I do not know them to be two distinct societies. I have never seen any thing that induced me to believe they were. There are two distinct Yearly Meetings in Philadelphia—what constitutes the distinction in those two Yearly Meetings? The one-sixth part which I have mentioned, separated from the body, and hold a Yearly Meeting distinct from it. Is this all the distinction you know of? It is my full meaning, by the word distinction made use of, when I said there were two distinct Yearly Meetings. Are you not a member of the re-organized Yearly Meeting, assuming the name of Friends, and entertaining the doctrines of Elias Hicks, and known as Hicksites or separatists? In the first instance we do not assume; we think we have a right to call ourselves the society of Friends. The Monthly and Quarterly Meeting of which I am a member, are branches of the re-organized Yearly Meeting. We know of no



doctrine published by Elias Hicks. We believe in those doctrines published by our primitive Friends. We own the same discipline heretofore established, and long acted under by the society. Was Elias Hicks present at the meeting of the re-organized Yearly Meeting held in Philadelphia, in the Fourth-month last; and did he take part in the deliberations of that meeting? He was there, and took some part, which is common for all Friends travelling in the ministry to take. Did that meeting minute the attendance of Elias Hicks, with unity and approbation? I am not quite so clear on that point as I could wish, but my present recollection is, there was a minute made, stating that his company and religious labours were acceptable. At what house in Philadelphia was the re-organized Yearly Meeting held? In the Fourth-month last, men's Yearly Meeting was held in Green street meeting house; that of the women in one built on Cherry street. How long have those meetings been held at those places? In the Tenth-month last, the Yearly Meeting of women Friends was held in Green street meeting house, and that of the men was held in a temporary shed built for the purpose near said house; this was the time, and this was the place in which Friends met in order to re-organize the Yearly Meeting. What do you mean by re-organizing the Yearly Meeting? I mean that Friends generally believed and considered the Yearly Meeting virtually dissolved, that was held in the Fourth-month preceding. How was that meeting dissolved? The meeting at the close of the first sitting, directed the representatives to stay together, and propose, at the next sitting of the meeting, a Friend to serve the meeting as clerk, and one to assist him. When the meeting came together, the representatives were still in session; when the meeting was opened, one of them stated, that they had not been able to agree; others stated, that it was their desire that the meeting should adjourn, and let them have an opportunity to agree; and it was the general sense of the meeting so to adjourn. A Friend, however, stated to the meeting, that it had been the practice of the meeting, when its representatives could not agree, that the old clerk should serve for the year; we have no evidence of that fact, however. The old clerk made a minute of his own appointment, contrary to the sense and judgment of much the larger part of the meeting. On the morning of the next day, at our next sitting, it was proposed for the meeting to adjourn, without any time mentioned, in order for Friends to try whether they could not come together at some future time more united. This proposition was not acceded to; the business of the meeting in some sort went on; several matters of importance that came up, on the reports, were not acted on in consequence of the disunity that appeared in the meeting.

Two women Friends came into the meeting with information that they had appointed a committee of women Friends, to attend all the Quarterly Meetings and Preparative Meetings, which constituted our Yearly Meeting, and stated, that it was the request of their meeting, that men Friends should join them in a similar appointment. This measure was opposed by the general body of the meeting; it was, however, acted upon, and such a committee appointed. The meeting then closed, and many Friends left the place, never expecting to attend it again, and therefore considered the Yearly Meeting virtually dissolved. They went directly into the meeting house at Green street, in order to confer together, what would be the most eligible way to re-organize the Yearly Meeting. At what time and place, was the meeting above referred to, held? It was held in the meeting house in Arch street; the time, I suppose, was in the Fourth-month of last year; it commenced the third Second-day in that month. How many days was that meeting held after the disagreement of the representatives about a clerk? The meeting closed on Seventh-day morning of the same week in which it commenced. Was that the usual time of holding the meeting? It is seldom held later, and it often closed sooner. How long has the Yearly Meeting been held at the meeting house in Arch street? I don't doubt that it has been held there twenty years or more. Has the Yearly Meeting been held there since you considered it dissolved? If so, when? I cannot answer that question, for this reason, I don't know it to be the fact. You have spoken of two distinct meetings in Philadelphia; where are those two held? I have told you where one of them has been held: at the close of the one that I have spoken of, my wife was indisposed, and as I had a little leisure, I went to the house of a family acquaintance, where I thought some near relations were, if they came into town; I supposed they had come up in order to attend the meeting of ministers and elders held on that day. The friend told me they were in town. They are, he said, in my house. I read publications issued from a Yearly Meeting held in the house on Arch st. Who was the Friend you speak of, that first proposed the appointment of a clerk at the meeting house in Mount Pleasant, on the 8th instant? I have no knowledge of him. What part of the meeting house were you in, when David Hilles first took possession of the table? I have not stated that David Hilles took possession of the table; I don't know that to be a fact. How near were you to the person who first proposed the appointment of a clerk? I was some distance off, but not so far but that I heard him intelligibly; I cannot state the distance. Did you see him? I did not. Which particular meeting of Friends is it, you refer to, that recognised the re-organized society of Friends in Philadelphia? was it the Hicksites or sepa-

ratists; or, was it the orthodox of Baltimore or Ohio? I know of no orthodox Yearly Meeting held in Baltimore, neither do I know of any such meeting held at Mount Pleasant. Who was the clerk of the meeting in Ohio, that recognised the re-organized Yearly Meeting in Philadelphia? David Hilles. Have you been at any time disowned by the meeting of Friends? If so, when and where? I never have. Have you been at any time disowned by any society or meeting calling themselves Friends? I never have. Have you ever been notified of your disownment, by any religious meeting of which you were a member? If so, by whom, and when was it? I never have. Did you receive notice in behalf of the trustees of the society of Friends, constituting the Ohio Yearly Meeting, not to enter the meeting house in Mount Pleasant? And if so, when, and was that notice in writing, printed, or verbal? I did not receive any notice whatever. Who was it that called out, the gallery is falling? I do not know. The witness wishes to explain himself further as to the answer to the last question but one. The witness states, as I walked toward the yard gate on the 8th instant, I was met by two men, one of whom said he wished to read a paper—I did not stop; the other said it would not detain me long: neither of them told me any part of the contents of it; they followed me into the yard of the meeting house, and said, we do not acknowledge thee; this is all they said or did; they did not notify me in any way not to enter their meeting house. Will you state who these persons were, and whether they belonged to the Friends' meeting? One of them I supposed was Abel Townsend, the other I know nothing of. I had not any doubt, at the time, but they were members. I don't know the fact. And further this deponent saith not.

RICHARD BARNARD.

Affirmed and subscribed before me, this 17th day of September, 1828.

WILLIAM SMITH, *Justice of the Peace.*

*Deposition of Amos Peaslee.*

Personally appeared before me, this 17th day of September, 1828, between the hours of 8 o'clock A. M. and 7 o'clock P. M. of said day, at the house of Israel French, in Mount Pleasant, (to which place the taking of this deposition was adjourned, by consent of the attorneys,) Amos Peaslee, who being first duly affirmed, deposeth and saith: I reside in the state of New Jersey, in Gloucester county, in the town of Berkley, Upper Greenwich township. I belong to Salem Quarterly Meeting, Woodbury Monthly Meeting, and the Yearly Meeting of Philadelphia, for Pennsylvania, New Jersey, Delaware, and the Eastern Shore of Maryland. I am travelling in the character of an approved minister, in unity with the society of Friends.

I have certificates in the regular order of the society, from the Monthly and Quarterly Meetings aforesaid:—the certificates inside, attached to this deposition, and marked with the letter N. I am well acquainted with Seth Matlack, who is clerk of Woodbury Monthly Meeting, and he was directed by the Monthly Meeting to sign said certificate. I am also acquainted with Anna Peaslee.

*Question by defendants' counsel.*—Are you acquainted with her hand-writing? If so, is her name signed to the certificate referred to, in her hand-writing? I am acquainted with her hand-writing, and it appears to be her hand-writing clearly; beyond doubting it is. Is she the women's clerk of Woodbury Monthly Meeting? She is. When was she appointed clerk of that meeting? In the First or Second-month of 1828. When was Seth Matlack appointed clerk of Woodbury Monthly Meeting? In the First or Second-month of 1828. How long has Woodbury Monthly Meeting been established? A number of years. I have been acquainted with it near three years; I have heard it said that it was established many years before that. Have there been any dissensions in that Monthly Meeting, and have any members withdrawn from it? If so, state how many, and who they were? There have been some dissensions in that Monthly Meeting. In the First or Second-month in 1828, Josiah Tatum, Joseph Whitall, and a few others, from six, to twelve, or fourteen, in a disorderly manner left the meeting, contrary to the general voice of the meeting. Josiah Tatum had served the meeting as clerk, but at that time would not serve the meeting according to the mind of the meeting, and carried away the records, contrary to the mind of the meeting. What number of adult members remained in the meeting when those persons withdrew? I cannot be certain, but I think from seventy to ninety. Did they proceed, at that time, to appoint the persons whose names are signed to the certificates above referred to, as clerks of that meeting? They did. Are you acquainted with Isaac Townsend and Rachel C. Wainwright, whose names are signed to this certificate, of the Salem Quarterly Meeting of Friends, above referred to? Yes, I am acquainted with them both. Are you acquainted with their hand-writing? Not perfectly. Were you present at the Salem Quarterly Meeting, when the certificate above referred to, was directed to be granted to you? I was. Did you at that time, or shortly after, receive the certificates above referred to, in pursuance of such directions? I think it was the next day. Were Isaac Townsend and Rachel C. Wainwright the clerks of that Quarterly Meeting at that time? They were. When were Isaac Townsend and Rachel C. Wainwright appointed clerks of that Quarterly Meeting? Isaac Townsend was appointed in the Eleventh-month, 1827.

Was the other appointed at the same time? Yes. Who had before been men's clerk of that Quarterly Meeting, and why was he not still continued clerk? Samuel Webster: but he refused to write according to the mind of the meeting, and, with a few others, left the meeting abruptly. Are Woodbury Monthly Meeting and Salem Quarterly Meeting now held at the same times and places at which they were formerly held, before the persons above spoken of withdrew from them? Yes, they are.

And further this deponent saith not.

AMOS PEASLEE.

Affirmed and subscribed before me, this 17th day of September, 1828.

WM. SMITH, *Justice of the Peace.*

[N.]

Our esteemed friend, Amos Peaslee, in a weighty manner, opened in this meeting a concern that had accompanied his mind for some time, to pay a religious visit to the Yearly Meetings of Friends in Ohio and Indiana, and most or all of the meetings constituting said meetings; and to appoint some meetings amongst those not of our religious society, and also to attend meetings going and returning: and after a time of weighty deliberation, this meeting fully unites therewith, and he is left at liberty to pursue his prospect, as truth may open the way, he being a minister in good unity amongst Friends.

Signed by direction of Woodbury Monthly Meeting of Friends, in the state of New-Jersey, held Fourth-month 28, 1828, by

SETH MATLACK, *Clerk.*

ANNA PEASLEE, *Clerk.*

[N.]

At Salem Quarterly Meeting of Friends, held at Woodbury, the 15th of the Fifth-month, 1828, Amos Peaslee, a minister in good esteem with us, opened in this meeting his prospect of paying a religious visit to Friends within the limits of Ohio and Indiana Yearly Meetings, &c. as expressed in the within certificate: under a deep and solid consideration thereof, much unity and sympathy with him therein was expressed, and he left at liberty to pursue his prospect, as truth may open the way, desiring for him the blessing of preservation, and that he may be favoured to return with the answer of peace.

Signed on behalf thereof, by

ISAAC TOWNSEND, *Clerk of the Men's Meeting.*

RACHEL C. WAINWRIGHT, *Clerk of the Women's Meeting.*

*Deposition of Joshua Barnes.*

Personally appeared before me, on this 17th day of September, 1828, between the hours of 8 o'clock A. M. and 7 P. M.

of said day, at the house of Israel French, in Mount Pleasant, (to which place the taking of these depositions was adjourned, by consent of the attorneys,) Joshua Barnes, who being first duly affirmed, deposes and saith, my residence is in the state of New Jersey, Salem county, Pilesgrove township. I was at Salem Quarterly Meeting when Amos Peaslee opened a concern, as expressed in a minute from the Monthly Meeting of Woodbury, to pay a religious visit to Ohio and Indiana Yearly Meetings, and meetings in the compass thereof, and some meetings in his way going and returning. And the Quarterly Meeting united with him, and left him at liberty to perform the same, and directed the clerk to give him a certificate. I have seen a certificate marked N, attached to the deposition of Amos Peaslee. I have seen Seth Matlack write his name. I know that he was clerk of that Monthly Meeting, at the time the above named certificate was obtained, and I believe the name of Seth Matlack is in his hand-writing.

And further this deponent saith not.

JOSHUA BARNES.

Affirmed and subscribed before me, this 17th day of September, 1828.

WILLIAM SMITH, *Justice of the Peace.*

*William Magar affirmed on the part of the defendants.*—Were you at Ohio Yearly Meeting, on Second-day, the 8th of September? I attended at the Yearly Meeting house, at half past 8 o'clock. I had my lodgings in town; and a report came to me that the meeting house was open, and that persons were going in. I, with others, went over to the meeting house, and found several in the yards, and about the doors; but the doors were all shut. I went round to the women's end, and saw persons nailing up advertisements. In a little time, word came that the doors were open, and that the people were going in. I went back again, and found the front door of the men's side half way open. I think, perhaps, there were six men standing on each end of the steps. Friends came, and passed promiscuously into the house.

In a little while, some collected about, and one from the meeting to which I belong. They went and passed in. I proposed to another that he should go in, but he was stopped; upon what principles, I cannot tell. A short time after, a person came out upon the steps, and in an audible voice, said that all having a right to a seat might go in. I walked in, and as soon as I was in, I was interrogated whether I was a member, and to what meeting I belonged. I did not make any answer, but walked on and took my seat.

I discovered then, that the galleries and seats under the galleries, and perhaps one or two of the facing seats, were



filled with men sitting upon them. A few minutes after I took my seat, those at the door shut the door and barred it: the body of the house was, generally speaking, vacant. There may have been a few scattering individuals. The south door was all that I saw open. When the door was shut, I felt somewhat disagreeable at it, in a place where I had been accustomed to attend; I went to the door and remonstrated. I told them, as the door had been opened, it would be better to let it stay open. Whether it was in consequence of what I said, I do not presume to say, but one person present gave me an invitation, two or three times, something in this language: "may be, thee had better walk out." I informed him that I did not intend to go out; for I considered I had as good a right in the house as he had.

I then withdrew, and took my seat again; and in a few minutes after, there was a scuffle took place at the door. It appears there were several came up, and those that I supposed were guards, opposed them, and a scuffle ensued; and I heard a man halloo, and I knew his voice, though I did not see him. And I think there were a few individuals inside, who went to assist those at the door, to push back, but the crowd without, appeared to be too strong for those within, and they pressed in; and a considerable number of individuals came into the house. After they came in, there were one or more persons who went to the end doors; and although I am not certain, yet it is my impression, that they opened both. After the doors were opened, some individual in, or near the gallery, got up, and proposed that the guards had better go to the doors; and it appears that several went. In a short time after, I heard a conversation between the guards and those without; and there soon came in a crowd, who forced their way in by pushing the guards back. It appeared to me that the guards were pushing and endeavouring to keep them out, but by the pressure of the others, were shoved into the house; and it continued in this way, off and on, till the house was filled as full as it could reasonably be.

After the house was pretty well filled, a Friend appeared in supplication; and after that was over, there was a short pause. I think a Friend then got up, and observed, that in consequence of the conduct of the old clerks, he would propose for the consideration of the meeting, that a clerk be appointed for the day, for opening the meeting. There were a great many voices united with the proposition. There was a proposition then made for David Hilles to be clerk; and there was a large majority of voices expressing approbation; as much so as I ever heard in a Yearly Meeting, at any period whenever I attended. There were, as well as I recollect, two or three voices objecting to his appointment as clerk.



The old clerk proceeded to open the meeting—whether it was before David Hilles was proposed, or not, my recollection will not serve. They proceeded in a greater hurry than usual, in opening the meeting, and proceeding to business: David Hilles was called to go to the table—several voices requested him to go forward. Where he was, I knew not; the first I saw of him was near the stove, in the passage leading to the clerks' table. When he came there, it appeared there was an opposition to his going up to take his seat. About that time, the individuals sitting on the steps, rose on their feet; and a great many persons throughout the meeting house began to get on their feet, and some on the benches. This hindered me from seeing how he got to the table.

A number in the gallery rose up, and came towards the passage. It appeared that there was a contest between the two parties. After David Hilles got to the clerk's seat, I saw him. I think he made a minute, in the usual way, and opened the meeting.

About this time a proposition was made for an adjournment, by those who have been designated the orthodox. And it was so far united with, that the representatives, pretty generally, agreed to adjourn till 10 o'clock the next morning; and a minute was made accordingly, and they withdrew and left the house.

Are you a member of the society of Friends? Yes. To what Quarter do you belong? Redstone. In what capacity were you attending that meeting? In common with other members of the society. I was a representative from the Redstone Quarter, to the Ohio Yearly Meeting. Was it according to the usual practice of Friends, to have such guards at the doors? I do not recollect that I have ever seen guards placed in that way.

Have you ever known persons prevented by violence from entering such meetings? I never did. Was not the weather very inclement? It was. Was it not very uncomfortable out of the house? It was. How are your Monthly Meetings composed? They are composed of all such as are considered members of the society. When these members are gathered for discipline, is there any distinction among them, as members? I do not know of any. The members are all considered to have equal rights, in my opinion.

How are questions determined? When a question is proposed, as far as my knowledge extends, if it is of such a nature as to require investigation, members are at liberty to speak; and whichever way it happens to settle with the most general satisfaction, it is received, and a minute entered. When the minute is read, if it be not according to the views of the members, they suggest alterations. After it is again

discussed, entered by the clerk, read and adopted, then it is the order of the meeting.

Is there any difference between a Quarterly and Monthly Meeting in this respect? I do not know any. Of whom is your Quarterly Meeting composed? It is composed of two or more Monthly Meetings. A Quarterly Meeting for discipline is composed of several Monthly Meetings, who appoint representatives to attend at the Quarterly Meeting. Do you mean, that a Quarterly Meeting is composed wholly of representatives? My idea is, that they have the care of taking up the business of the Monthly Meeting, and of bringing back any thing that may be necessary. That is, they are the organs of the Monthly Meeting; but when assembled they are in common with the other members.

The Yearly Meeting is composed of a number of Quarters, in a similar manner, as the Quarters are composed of Monthly Meetings. My understanding is, that it is a general meeting of the society. As a representative from Redstone Quarter, did you suppose you had any more power, or right, in the Yearly Meeting, than others? I did not. In the Yearly Meetings, who has the power to decide questions that come before them; or who has a right to bring up, or make a proposition? My understanding is, that any regular member in the society has a right to offer a proposition to the meeting. Has the clerk any power to determine the question? The meeting has the power. The clerk is no more than a servant of the meeting.

You have said, that previous to opening the meeting, a proposition was made to appoint a new clerk, as the old one had disqualified himself? Yes. Is it in the order of society, for the clerk to proceed, while a question is before the meeting? When a proposition is before the meeting, it is usually disposed of in some way.

Court adjourned till 9 o'clock to-morrow morning.

*Saturday morning, 9 o'clock.*

*William Magar, in continuation* said, when a proposition is offered to the meeting, it is usually discussed, and approved or rejected before any other business is taken up. Is it orderly or disorderly, for a clerk to interrupt a subject of that kind, by reading or making a noise? I should consider it his duty, as far as my knowledge has extended, as to the usage of society, to wait till the subject was discussed, and a pretty general conclusion come to, in the meeting. Have you ever known any other course pursued, previous to this Yearly Meeting? I think I never have. Will you describe the effect it had on the meeting? It made a disturbance and interruption, by the noise and voice of reading, while a number of Friends were

uniting; for the assistant clerk was reading, and he has a pretty strong voice generally. About this time, there was an alarm given, which produced considerable disorder in the meeting for a few minutes. Do you know who gave that alarm? I do not. Are you a representative? I am a representative from Redstone Quarterly Meeting. There was but one set of representatives from this Quarter, for there had been no division there. I did not bring forward the reports. When the representatives were called, at the suggestion of Benjamin W. Ladd, was your name called? It was. Did you answer? I did not answer. My reason was, that a question had been proposed to the meeting, and as the clerk was proceeding out of the usual order of society, I did not think proper to answer it. The proposition to appoint a new clerk, was very unanimously concurred in.

*Cross-examination.*—You say you are a member of Redstone Quarterly Meeting, and of Westland Monthly Meeting; do you know of any conference held in that Monthly Meeting? There was, I think, probably in the Seventh-month, a conference held; as to the objects I cannot say much, nor as to the conclusion. I was informed, with others, that it was requested we would meet at Redstone meeting house, to confer together upon the state of society, and with regard to the present disturbance in the society. It is my opinion, that was the occasion. The general conclusion of the meeting was, to nominate certain Friends to attend the conference at Plainfield. Jehu Lewis, I believe, was one, and I think there were three or four. I believe there was no minute made, but they were merely nominated. I can't recollect, whether David Hilles was one or not. There was no object explained, nor instruction given. I have understood it was a general conference, from the different Quarters. The object I have stated to be, to consult upon measures for maintaining our rights and privileges.

Was not the object of that conference to bring about a concert of action at the Yearly Meeting? I think not. You met, and united in sending delegates to the general conference; and yet had no object in view, as to the Yearly Meeting. Had you any object in view, touching the proceedings of any other meeting? I don't know that I had. I have said, that in the present disturbed state of society, it was thought adviseable to have an interchange of sentiments; but for one, I had no object. Do you know of any determination of Redstone Quarter, not to offer their report? I don't. Who had the report? I do not know: but I have no doubt that the clerk had it, being a representative, and from the same particular meeting. He was not from the meeting to which I belonged. After the Yearly Meeting was opened, David Hilles had it. Do you know of any one of your colleagues offering it to the meeting?

I do not know who brought it. Was there any conference, as to whether you would answer to the old meeting, or to the re-organized meeting? I do not know that I ever heard a word said, or any agreement entered into, upon the subject. I certainly heard nothing specific. I do not recollect that I heard anything about the report in particular. I did not know but one that went over to the conference, and that was Joseph John. I saw him start, but I think he was not a delegate. I don't know that David Hilles went over at all. Was it according to discipline, to hold such a conference? I do not know that there is any discipline touching the subject. Was it not unusual? I can't say it was unusual; though I never knew an instance. How came you to answer David Hilles, and not Jonathan Taylor? I have said, that I thought it out of order; and I considered that David Hilles was appointed by the meeting. I thought it in order to appoint David Hilles. Does not the discipline require, that the representatives report the name, at the second sitting of the meeting? My understanding is, that it is the duty of the representatives to report a clerk at the second sitting—that is the common usage, if there is no disability of the clerk. But the representatives could not be known, till there was a person appointed clerk for the day; and when their names were called over, it would be their duty to name a clerk to be appointed at the next sitting.

Until this Yearly Meeting, did you ever know any person act for the meeting, but the regular clerk, or the assistant clerk? No. Not where they were present, and nothing to disqualify them? There is that in our discipline, which shows, that those guilty of misconduct, ought not to attend the meeting. And there might not be a meeting intervening, in which they could be dealt with; and I know no better way, if the individual comes forward, than to have the objections made in the Yearly Meeting. My understanding was, that in consequence of certain misconduct, he had disqualified himself. There was a proposition for the appointment of a new one, in consequence of this misconduct; and the proposition being united in, was the decision of the meeting upon that misconduct.

Did you ever know a Yearly, Quarterly, or Monthly Meeting to act upon a proposition, in the way that the Yearly Meeting did, in relation to a clerk? I do not know any particular circumstance. I have known a number of instances, in our Monthly and Quarterly Meetings, but I cannot designate any in particular. I consider it the usage of society. How can it be the usage, if you know of no particular instance? There are propositions submitted to our meetings in a similar way, sometimes in the Monthly, sometimes in the Quarterly Meeting; the clerk being absent. I never have been present,

when the clerk and assistant clerk were present, that such a proposition was made. Did you ever hear any objection to Amos E. Kimberly's serving the meeting? I do not know that I have. I have seen instances, where the clerk was absent, and the assistant clerk present; and it is customary, in such cases, for some individual to propose, that the assistant clerk open the meeting, and proceed in room of the clerk, or otherwise some Friend be appointed in his place. If you have seen an instance of that kind, state when and where? I have seen it in our meetings, but I can't state when and where. I cannot allude to any particular case. I have known such cases to occur, agreeably to the best of my recollection, but I cannot cite any particular case. Do you know what the objections were, against Jonathan Taylor's being clerk? One reason I have heard offered was, his ordering Amos Peaslee to sit down when he was engaged in the ministry. It is an offence to offer a contempt to a minister in public. I know not what was submitted to the meeting; I heard no charges, I only heard objections made to him.

Did you not know and understand, before the interruption of Amos Peaslee, that a new clerk was to be made? No, I did not. Did you not know before the meeting convened, that it was proposed to have a new clerk? It was talked about, but I live at a distance, and was not so well informed. There were other charges against the old clerk. One objection was, that he had gone off with the separatists, at New York. I heard David Hilles talked of as a suitable person, as coming from an undivided Quarter, but there never was any agreement entered into in my presence. As the other Quarters were divided, we thought it would be more proper, that a clerk should be appointed from a Quarter that was not divided, should it be necessary. What was talked about the prospect of having to appoint a new clerk? There was no agreement to appoint one, but it was thought if it should be necessary, he would be a proper person.

Did you know of any understanding, to appoint a clerk, in consequence of Jonathan Taylor's disqualification? No, I know of no understanding. You say, that you heard a conversation, that Jonathan Taylor had gone off with the separatists at New York, and that he had disturbed Amos Peaslee, therefore David Hilles was thought a suitable person for clerk, if necessary? No, I never heard any thing mentioned, as being that which would make it necessary to appoint a clerk. I may have heard something said at the school house, on Seventh-day afternoon, but I cannot explain the object. But I suppose the object was, that in consequence of the present movements, and what had been circulating, with regard to the measures that would be

adopted to prevent Friends from getting into the house, a number of Friends assembled to consult what was best to be done. The conclusion was, according to my understanding, to go to the meeting as usual, and if not prevented, to go in. But if kept out, when met in a collective capacity, then to determine what was to be done.

I do not know whether Isaac James was there, or David Hilles; I cannot say positively. I recollect his being mentioned; it was said, that if it should be necessary to have a new clerk, he would be a suitable person. Do you not know, that he had been consulted with, as to his acceptance? I do not recollect of hearing any thing about his accepting. It was expected, that measures would be taken, to prevent Friends from getting into the house, and they assembled to consider the subject, and they concluded to assemble as usual, and as if nothing was the matter; and if, when assembled, they were prevented from entering the house, to use no violence. They were to determine on measures when thus assembled. I heard nothing about re-organizing the meeting, in case the orthodox should prohibit our entering, nor of any preconcerted plan.

Were not the Meeting for Sufferings, and the meeting of ministers and elders, bodies belonging to the Ohio Yearly Meeting? Yes, they were members of the meeting. Did they not belong as bodies to the Ohio Yearly Meeting? I do not know, I never sat in their meetings. There are rules in the discipline in relation to such bodies. Were not both these bodies united with the orthodox party? I cannot answer, not being acquainted in the different Quarterly Meetings. Was there any Meeting for Sufferings belonging to the re-organized meeting of Ohio? There was not under that name; but there is that which amounts to about the same thing. Was there assembled with the re-organized meeting, a Meeting for Sufferings? There was not, till they were appointed by the meeting. Was there any report from a body of that kind, to the re-organized meeting? Not of the orthodox party. Was there of the heterodox or Hicksites? I cannot answer fully, because I left before the meeting was over. I was there till some time on Sixth-day. There was no report till I left on Sixth-day afternoon. There was a standing committee, governed by the same discipline as the Meeting for Sufferings. Were there any reports or proceedings of the last year, read by this committee, in relation to the last year? I heard nothing concerning it. Is not that a part of the duty of the Yearly Meeting, to read the proceedings of the Meeting for Sufferings, the previous year? It is the duty of the Yearly Meeting, to receive the report of that committee. Did you receive such a report? I recollect none. There was none. There was in your re-organized meeting, no report of any thing which took place

before you were re-organized? When the old clerk went off, he took the books and papers with him. I do not recollect any report in relation to the last year.

Was it not an understanding of your party, that they would re-organize the Yearly Meeting? Not that I know of. Was a demand made of the old clerk for the papers? I do not know. Did you hear any objections to Amos E. Kimberly as assistant clerk? I don't know that I did, he went off with the orthodox party. I do not recollect whether the assistant clerk was appointed before Amos E. Kimberly went off or not. Was the minute of the appointment read by Hilles? I can't answer. I want you to say whether Jehu Lewis' name was not mentioned before the orthodox adjourned? I cannot say. You have said it was a conclusion, for Friends to go to the meeting as usual; did they include any other than the Hicksites, or did they not include those disowned? Nothing was said about them. Was not Borden Stanton at your Yearly Meeting? There was a person there, whom they called Borden Stanton. Did he take part in the proceedings? He did. Was Amos Peaslee at the school house, and at the Yearly Meeting? Yes, both. Did he speak? He spoke in the preaching way. He did not recommend any thing like going on with the business, in defiance of the orthodox. Do you know of any other conference, in relation to this matter? No.

Do you know Jacob Griffith? Yes, in Washington county. There were a few persons stopped there some time last summer, after a public meeting at the barn. Was there a letter read there? I do not recollect. Amos Peaslee was there, Elias Hicks was not there.

As to a concurrence with the appointment of David Hilles; was there any of the orthodox who concurred? I did not know of any, as I was pretty much of a stranger. I recollect one voice, out of perhaps three, who made objections; the one said, we have a clerk. Those that I have mentioned, were opposing or objecting to it. Was there any reply to these? Not that I know of. They were made when others were uniting. Did you not hear it stated, that it was the duty of the representatives, to nominate a clerk, at the next sitting? I think the representatives of the re-organized meeting, as is usual, agreed to nominate David Hilles. The Meeting for Sufferings was laid down, and a standing committee appointed, who were to be governed by the same discipline. They took one for the other. You know of no order from the Quarterly or Monthly Meetings, or any thing in the discipline, which would authorize the holding these conferences? The new meeting have published no new discipline.

*Doctor Carroll affirmed.*—Witness was at the last Yearly Meeting on First-day, is a member of the society of Friends,



belongs to Plainfield Monthly Meeting, and has never been disowned, not even by the orthodox—and says: I was at Ohio Yearly Meeting on First-day, at the first meeting. I was there early, and the galleries were then filled. At a suitable time Elias Hicks rose, and after speaking some time, sat down. Elisha Bates then got up, and commenced an abusive discourse, and after him, a female spoke to the same amount. After she concluded, Elias Hicks rose to defend himself, but the orthodox broke the meeting, and they would not allow him an opportunity to be heard in his own defence. As soon as they shook hands, some of the boys got up, and with others, made so much noise, that he could not proceed. He then shook hands, with some near him, and said they might as well part Friends.

The people were ordered out, but they would not go out till they heard his defence; but when he went, most of the people went away. In the afternoon, I was at Short Creek. The leaders of the orthodox party were not there; therefore there was no confusion—no opposition made.

On Second-day morning I went to the meeting house some time before the usual hour of assembling; and when I got to the gate, I saw some of the orthodox party, with notices in their hands, and there were some sticking up along the walls. I went through, and found door-keepers, or guards, stationed at each door. They made no opposition. I went to the north-east door of the house, and went in, and found the galleries filled—the steps were also filled leading to the table. I sat down upon a bench near the stove, and sat some time. After a little time the guards gave way, and many were shoved in. Amos Peaslee came in in that way. He came near where I was standing. I requested some to give him room, but they leaned down, and told him not to come there, that he had no business there. Before this a prayer had been made by Thomas Shillitoe. It seemed very different from what is usual. He appeared more disposed to pray for success than salvation. The house was soon filled.

Israel French rose, and made a few observations. He said the clerk had disqualified himself from being clerk, and proposed that a person be appointed for the day, which was generally united with. I think there were two or three voices against it. About the time that French commenced speaking, Taylor began fixing his papers, and as soon as he was prepared, commenced reading. The proposition being agreed to, David Hilles was nominated, and the nomination was united in, very generally, as much so as I ever saw. He was not near the table, and was asked to come forward; some said he was not in the house. After some time, I was requested to go after the clerk, and bring him up, as the passage was very

much filled. I went down the passage slowly, till I saw David Hilles coming from the corner of the house. When he got near where I stood, I stepped behind him, and told some of them to press on, and we took him up slowly. But the young men, orthodox, I suppose, opposed us violently. One told me if I did not behave, I would be taken out of the house. We moved on, notwithstanding we were opposed most vehemently, till we got up near the gallery steps, where we calculated to make a place for him to write; but the orthodox pressed so hard, that Hilles was pushed out of his course towards the women's meeting: he, however, got back to the stove, where he wrote an opening minute.

About this time there was a considerable force by the orthodox, such as pushing and jerking. An orthodox young man carried me off a piece, and another, who was an elder, jerked me down. We seemed to stand our ground, although they appeared to think they had a right, and wished to push us out of it. One man said, I think he was on our side, he regarded no man for his incivility. We offered to pacify him, but on the other side they were going on in the same way. One said he was the owner of the house. They were on both sides very much alike, only they were principally young men who were engaged on our side, and mostly old men among the orthodox.

After they had pushed me about considerably I was very warm, and got up on the bench. Joseph Steer and Amos E. Kimberly were holding the table. I told them it did not become their standing, particularly Amos E. Kimberly, a minister. About this time a young man undertook to get up to the table, and when he got near the ministers' gallery they threw him back upon the people, like a squirrel from a tree. But he got up again, and succeeded in getting to the gallery.

Just before the alarm, a couple of orthodox began to talk to me. I told them I did not care about talking to small shot, and when the alarm took place they ran and left me. I stepped back, and discovered that the gallery was not coming down, although I was somewhat agitated.

They ran to the door, and some of them, I think Jonathan Taylor, unbarred it, and a number went out. I intended to shut the door, and bar it upon them. I stepped up to the table, and laid my hand upon it, but they soon returned, and I did not hold to it. The scuffle soon ensued of breaking the table. William Flanner, an orthodox young man, took hold, and held the legs, and some others had hold, and it was soon broken. An orthodox Friend got hold of the door, and jerked it against my leg, and hurt it some. After the table was broken, I found that David Hilles was there, and I saw some

one hand him the drawer of the table to write on. He was upon the east side of the door.

About this time some of the orthodox said they had surrendered, but others said they had not. It was proposed by the orthodox, after they had consulted a little together, that they would adjourn. And in a very formal manner, they sent into the women's meeting, and got permission to adjourn. It was the representatives, and I conclude the orthodox thought that they were the Yearly Meeting. Soon after they came to this conclusion they went off. We did not request them to go away, nor were they interrupted in going. Very little was said or done on our part, but we let them go off in peace, and we went on with the business of the day, and convened at a certain hour in the afternoon.

Did you ever know a Yearly Meeting to be adjourned by the representatives? I never did : that was the first time. I never heard of such a thing, till the orthodox undertook to put down the society. Did you know any thing about the cause of that alarm? I did not. I heard something crack about that time, and supposed that was the cause of it.

Did you ever know Quarterly Meetings to appoint door-keepers? Not of my own knowledge. I have understood that the Ohio Yearly Meeting decided some years ago that it was not necessary. I have attended several Yearly Meetings, and I never before saw such formidable arrangements. If a man was not a member, he was invited away in a modest manner. Was there any thing unusual in the proceedings of the orthodox?

The Meeting for Sufferings, which is considered the head of the orthodox party, had sent down some testimonies of advice, issued in a pamphlet form, as recognised by the Meeting for Sufferings, and signed by Jordan Harrison, clerk. This document was brought by a committee to the Monthly Meeting at Plainfield. A committee came from the Quarterly Meeting, and offered a minute of their appointment, and, at the same time, a number of these Indiana testimonies. The subject was taken up in the Monthly Meeting, and discussed; and it was generally concluded not to accept them, believing that they contained untruths, and misrepresentations of the views and principles held forth by what they called the Hicksites. I stated for one, that I believed they contained positive falsehoods, and we sent them back to the Quarter. In consequence of this, they laid us down. It was stated on our minutes, that they should be sent back.

We conceived that we were not bound to receive any thing which was not truth. And, as men of veracity, wishing to do right in the presence of the Deity, we sent them back. The subject was agitated in meeting, a minute was made, and they

were sent back to the next Quarterly Meeting. This committee, that attended, stated that our Monthly Meeting was in an insubordinate state, and that it should be laid down. We opposed it, but Benjamin W. Ladd said, that we had no right to a voice. Others said we had a right to be heard, not having been disowned. We were, therefore, permitted to speak, but no attention was paid to us, not being weighty members. There were a great many voices against it, but no attention was paid to them, for it was observed by Benjamin W. Ladd, that it was a spirit of ranterism, not worthy of notice. But the Monthly Meeting was laid down, the clerk taking the sense of the orthodox party, without regard to numbers, or the voice of our members.

Does your Monthly Meeting continue to meet as usual? We do continue to meet. Did they give directions as to the property? They appointed a committee to attend laying it down. We attended, and told them that we conceived we were not laid down according to discipline, nor according to the voice of the Quarterly Meeting; therefore, we could not submit. I think there were but five voices against continuing the meeting, and I suppose there are several hundred belonging to it. I think there were more than one hundred present in the men's end. They did not all speak, but more than I ever heard in a meeting, objected to the proceedings of the orthodox, as they thought it was not the voice of the Quarterly Meeting. They then, at the Quarterly Meeting, joined the members that went off to Stillwater Monthly Meeting. I did not attend our Monthly Meeting at all, the preceding month, when they were to take the papers, if we would not acknowledge their right. We kept all the records and papers of the men's meeting, and of the women's meeting in part. There were a number from that Monthly Meeting at the Yearly Meeting, probably half of the adult members. I can't be positive.

Were there any preparations made by the orthodox, previous to the Yearly Meeting, to hold exclusive possession of the house? If so, what were they? On Second-day morning, guards were at the door, there were four or five on each side of the door. Do you know any thing of a general conference of the orthodox from other Yearly Meetings? In the year 1827, there was a meeting or conference appointed. And it was understood, the same was done by other Yearly Meetings, and many delegates attended the last Yearly Meeting. There were an unusual number of orthodox.

When a proposition is made in your meetings, is it not usual to dispose of it, before another is offered? It is so considered. When an exception is made to the clerk, and a proposition is made to appoint another clerk, would it be according to usage

to interrupt the meeting? By no means. It would be out of order. It is not in order; they ought to wait till a general expression of sentiment is given, and as soon as it is decided by the general voice of the meeting, then the clerk forms a minute and reads it.

Would there have been any disturbance, had it not been for the conduct of the clerk, in disturbing the meeting? I think not, for it appeared to be the voice of the meeting that David Hilles should be clerk. Did you ever know any part of the society of Friends, to embody themselves in a dense mass round the clerk's table, at the opening of a meeting for discipline? I never have. When a clerk is nominated and united in, he goes to the table and goes on with the business? That is considered the proper way. Is it usual to oppose force to a clerk in going to the table? I never knew any thing of that kind. Is it not considered a departure from your fundamental principles, to use force? It is so considered. Was there any more force used by one side than the other? It is hard to tell. There was, if any thing, the most on the orthodox side; for there were more strong men, and they appeared to exert themselves as much.

Who compose your Yearly Meeting? The members that compose the Quarters, compose also the Yearly Meeting. Have the representatives any more voice in your meetings than other members? I think not. Has your clerk any more authority than others? He has no other authority, than as a servant of the meeting. Is it according to the order of your society, for the minority to govern the majority? No. You have said that the orthodox withdrew, and sent a committee to the women's meeting? Yes. In Ohio Yearly Meeting, was there any thing like two separate parties, till they thus separated? The Friends of Ohio Yearly Meeting were but one meeting, till this separation; further than that the Quarters had divided, owing to difficulties in the society.

Was any thing said or done by Friends at the Yearly Meeting, to exclude the orthodox? On Third-day morning, when Elisha Bates, and some others, came and demanded the house for the use of Ohio Yearly Meeting, they were told, that the meeting was then in session, and they were at liberty to come in and take their seats as members of the Yearly Meeting. He put the question in a kind of legal way, as if preparing to go to law.

It was proposed to divide the time, so that both parties might be accommodated. I think Amos Peaslee was speaking at the time they came, but Elisha spoke so loud, that all business had to be suspended. Then he interrupted the meeting? Yes, a person was speaking. Did he demand exclusive

possession? He demanded possession for the Ohio Yearly Meeting, and he was told that it was then in session.

Were you at the conference at Plainfield? I was. Does this paper (handing him a paper,) contain the resolutions of that conference? Witness reads the paper, and says it is the substance of the proceedings at that conference. How many were probably at the Yearly Meeting, before the orthodox withdrew? I cannot say—perhaps twelve hundred: I did not make a general estimate, as I was convinced that there was a majority of Friends with us in sentiment, in the Yearly Meeting, although the orthodox claimed a great many more.

*Cross-examination.*—You say that it is a fundamental principle in your society to use no force or personal violence? Yes. At the time you advanced David Hilles, did you not ask them to push forward? Yes, and I helped a little. Was not that the application of force? Yes, it was the application of force, but it was not violence. Then you proceeded to place your clerk at the table, by the application of force? Yes, by the application of force. Then there was strength employed? Yes, there was strength. Was not this application of force in contravention of a fundamental rule, in your society? I conceive it was, in some degree, but I did not conceive it any injury to remove a man in the passage. I was determined to use no personal injury to any man. You had determined to use just so much force as was necessary to carry your point? It was my determination to move on with sufficient force to get into the neighbourhood of the stove, and there to have a table. I did not think of going into the gallery, for fear of being hurt. I wanted to take up the clerk as far as the stove, and he appeared to be quite passive. Did you not know of similar force by your party to get into the house? I heard some noise at the door, and an orthodox Friend cried out, don't struggle. I saw the crowds rush in, and there appeared to be some force. There were persons there who wished to come in, and the young men pushed them in, and many very contrary to their wishes. Were those who rushed in principally composed of your party? They were, because the orthodox had got in as a chosen few. Do you know of any individual members being opposed in entering? I do not know of any one in particular. Were you at Updegraff's school house? (a school house in Mount Pleasant.) Yes, it was on the Seventh-day previous to the Yearly Meeting. What was the object of that conference? It was understood, that there would be obstructions to our getting into the house, on Second-day, from the circumstance of their having applied force at some of our Quarterly Meetings. And the committee who were appointed at Plainfield, proposed to

meet on Seventh-day, to consult what to do, and I went to the conference at the school house at Mount Pleasant. In that conference the conclusion was, to go to the meeting as at other times, and if we could not get in without force or violence, it would then be a question, whether we would not go somewhere else and hold a Yearly Meeting. There was something said that we should probably need a clerk, and it was mentioned that David Hilles would be a suitable person.

It was proposed, by the most weighty part of the meeting, that we should go there as if nothing had taken place, and do as we should see best when we got there. It was supposed from the past conduct of the clerk, that he would not act for the meeting; and that they would order us out, and say that we were disowned. It was my opinion before, that Jonathan Taylor was not fit for clerk. He had gone off with the separatists at New York, and held a spurious meeting at the Medical Hall. Were there no other accusations against the clerk, which induced you to suppose that your party would appoint a new clerk? I think of nothing more, nor was there any conclusion come to upon the subject. Were Peaslee and French there? They were. Was it not agreed, that, if it should be found necessary to appoint a clerk, some person should make the proposition, and was not French the person proposed? I think not. Is there any thing in your discipline to warrant the course pursued? It is always considered, that a person who has been guilty of any immoral acts is not a suitable person to be placed in business.

Have you ever known an instance like this? In New Garden Meeting, about ten or fifteen years ago, a clerk had been guilty of improper conduct, and it was proposed, that, in consequence of that improper conduct, he should leave the place of clerk, and another person was appointed in his stead. The fact was, that he left the table, and another one filled his place. This was in consequence of his conduct between the previous sitting of the Monthly Meeting, and the time alluded to. Did any body wait on Jonathan Taylor, or had it been advised that the Monthly Meeting should take up the subject? I can't say.

The court adjourned till 2 o'clock.

*Saturday the 18th, 2 o'clock, P. M.*

*Cross-examination continued.*—Did the orthodox make a move before your party advanced upon them? The first opposition was a few feet from where we started, by a young man who knocked about pretty lively. Those occupying the ministers' gallery used no exertion? We did not go to the gallery, but when we were stopped, we concluded we would get the table. He was taken back to the stove, and there opened the meet-



ing; but afterwards, he was taken into the gallery. Had he the reports with him? He had, previous to his coming to the stove, and I understood they were jerked out of his hands.

After Hilles got to the stove, did you see any of the orthodox party make use of violence to resist you? One carried me off a considerable distance—I was perfectly passive. One got hold of me, and jerked me partly down—I think it was Jonathan Stanley. I think there were but two or three voices opposing David Hilles' appointment. How many were there in favour of it? There was a very large number. Do you think there were as many as a hundred? Yes, more than a hundred. You think there were about twelve hundred present? Yes.

Of those that attended the meeting, was it not evident to your senses, that the greatest number went with the orthodox? There were a great many in that meeting who were not members, who went off with the orthodox, being probably nearer related to them than to us. Were there probably fifty of this class? I should say more than that. How many do you suppose remained at that meeting? On Third-day I suppose there were near four hundred, after the separation, and the orthodox had gone to Short Creek house. Was Jonathan Pierce present at the conference, at the school house in Mount Pleasant? It is my impression that he was. I did not see Jehu Lewis nor Moses Metcalf. Here Mr. Tappan offered a copy of the minutes of Plainfield conference, but it was objected to, and the judge decided that it was not admissible.

*Cross-examination continued.*—Witness did not know of any arrangement, that the reports should be returned to David Hilles. It was mentioned at the school house, that the orthodox had commenced barring the doors, but it was recommended that we should be patient and not use violence; that we should do our duty as members of a christian church. It is a principle among Quakers not to pre-determine. We agreed to nothing like breaking a lath, but that idea was probably suggested by the orthodox party.

*William Sharon affirmed.*—Are you a member of the society of Friends? I am not, but I was at Mount Pleasant, First, Second, and Third-days. On First-day, Elias Hicks got up and preached for some length of time. Elisha Bates then got up, and stated that this man came into the Friends' meeting, contrary to the order of Friends, and that his doctrines were erroneous. Elias rose to reply; but Elisha Bates rose and said, he wished the people to leave the house immediately. In the afternoon Elias went somewhere else. I went to the meeting in Mount Pleasant. Elisha Dawson rose and spoke for some time, and was followed by Amos Peaslee. Elisha Bates whispered to Jonathan Taylor, and Jonathan ordered Peaslee

to sit down, but he did not sit down. Many rose up and said, "sit down, Bates." Two men went into the entry, and I thought it was to take him out. But Amos Peaslee said, "for mercy's sake, be still." Joseph Steer jerked him against the wall, but he spoke on and delivered what he had to say.

Anna Braithwaite then got up and said, that Peaslee was a disowned member. And when she sat down he said, "although I am smitten, it does not become me to return the same." (Objected to.)

*Mr. Hubbard* said, the court would recollect that one of the reasons assigned for removing the clerk on Second-day was, that he had been guilty of improper conduct the day previous, by his rudeness to Peaslee, who was an approved minister. And if in showing that, the witness repeats the language which another has used, it cannot be said he shall not go on. We introduce this person to show, that there was a disturbance on Sunday, and that the orthodox party did conduct themselves towards Peaslee in such a manner as to violate the rules of the church. We think, therefore, the witness has a right, in this instance, to give the language that passed. It is to show a transaction in which we conceive a party did disturb the public worship of the society; and that this led to the introduction of a proposition to remove the clerk.

Witness proceeded to state, that the next day he happened to be at the meeting house at Mount Pleasant—he had no intention to go in, or to intrude upon the society in any way, but he discovered that guards were stationed at the doors, that some were pushing in, and that others were kept out. Directly there came a crowd along and pushed into the house. Pretty soon after they got in, there was an alarm in the house that the galleries were coming down, and they came out in a rush. I stepped in, to see if the galleries had come down, and there was nothing of it. The meeting appeared to be somewhat composed, and they urged the clerk to go to business, but Benjamin W. Ladd said, he would not submit to such conduct. He said, that Hilles was a disturber of the peace. A move was made to break up the meeting—some said it was the orthodox only, and they withdrew and went off.

I thought they had separated, but on Third-day morning I discovered them coming down again in a body, and as I was close by, I stepped up. Bates stepped into the door and demanded the meeting house for the Ohio Yearly Meeting; he was told that the meeting was then in session, and that they might come in and sit among them; but he wanted an explicit answer. They stated something like a willingness to give up the house half the day, but it was rejected.

On Monday morning I went there pretty early, perhaps an hour before the alarm. You say there were guards at the door?

Joseph Steer, and one other were outside, and I saw others inside whom I took to be guards. They stopped two or three. I did not see any pushing, but their hands were placed across the doors. Who were those that made the rush? There were a great many there, who I presume did not belong to the society. They pushed the guards in; and I suppose, from what I could see, that perhaps David Steer was pushed down. He came out into the yard. I saw two women who said they had been hindered from going in. He said he would see that they were admitted. He went with them and after some discourse, they were admitted. Was any thing said after the table was broken? Yes, one man rose, and proposed that the house should be divided between the two parties, so as to accommodate both parties. But Benjamin W. Ladd got up, and said that this man was not a member. I think it was Halliday Jackson, and that he came from over the mountains. Are you a member of this society? No, I never was a member.

*Levi Pickering affirmed.*—Were you at Ohio Yearly Meeting? I was. Are you a member of the society? I am. I went to the meeting house on Second-day morning, somewhere near 10 o'clock. I was not there the day previous. I went near the door, and several were standing in the door. I knew David Steer, but did not know the others. There were a number of Friends with me. One stepped to the door, and they put up their hands, and said he could not go in, that he was not a member. He said he was a member of Flushing Meeting, that he had always been a member, and was never disowned, that he knew of. As I had heard that it was only such and such ones that were brought into question, I spoke a word in his behalf, and they let him in.

By this time Amos Peaslee, Elisha Dawson, and a number of others came up. When we went near the door; I heard some one speaking as though in supplication. Amos Peaslee said in a low voice, some one is speaking, we had better not go in to disturb the meeting. We stopped perhaps three minutes, and by that time a great many were round the door. As soon as the voice ceased, we attempted to go in. There was no opposition to my going in, but they said the others could not go in. I asked why they could not go in.

I went to go in, and by this time they were pushing us. Amos Peaslee said, "dear friends, don't push, be peaceable; if we are not admitted we can't help it. If we can go in peaceably, well, and if not, we will go away." By that time they pushed pretty hard against me; and I pressed back, determined not to go in. They kept pushing, till I was nearly down. Elisha Dawson was also near falling, and I caught hold to prevent him from going down. The pressure was so great from without, that notwithstanding the pressure back,

by the guards and others, we went into the house. I was sent ten or fifteen feet before I could stop.

After this the meeting was pretty quiet. It sat some little time in stillness, as is usual at all times. This pause was about the same as is customary, unless some one engages in vocal prayer, or in the line of the ministry.

Israel French rose, and stated that owing to the circumstance of the clerk, since last year, so conducting, he thought he was not qualified to open that meeting; and I think he stated some reason, but I am not positive. When he made the proposition, there was a uniting of the meeting, the largest uniting that I have been acquainted with; and I have attended all the sessions of Ohio Yearly Meeting, and have been in Baltimore Yearly Meeting.

After this, Jonathon Taylor proceeded to open the meeting. Then some person, whom I believed to be a representative from Redstone Quarter, proposed the name of David Hilles, and it was also united with by a larger number than I had ever heard unite with a proposition in a Yearly Meeting before. And as it regards being done in an unbecoming manner, I must say, if it was the case, it did not strike me so then; nor had I heard it so stated, till I came into this house; though they spake in quick succession one after another. They spoke quick, though not quicker than I have known before, but I never have known so many to speak.

Jonathan Taylor proceeded to read the opening minute, and to call the representatives; and as far as I recollect, they mostly answered, though there was considerable confusion. Those in favour of David Hilles acting as clerk, insisted on his coming to the table. He was urged by several, that is, by voices requesting him to come to the table. With that there were a number who came along up the gangway from the south door. I suppose David Hilles was in that company; although I did not see him, that I know of, till he came to the stove. There was then a pause, as if he was going to write something.

I did not see David use any force, but there were eight, ten or a dozen pushing him forward, and as many pushing the other way. I stood eight or ten feet off upon one of the raised seats. There was considerable pushing on both sides. When the cry took place, a number ran out, of both parties. Being pretty well acquainted with Friends, I do not know who ran the most. When it was first suggested, I did not see much reason for apprehension; but the second time, a board broke, or split, or something like it, and somebody said the galleries are falling, or words to that amount. It would seem as though there were something like ten or a dozen pushing and pulling. It appeared to me that the

ministers next to Taylor were pulling towards him, and that others were pulling towards Hilles. The first breaking of the table was by one of the young Flanners, who pulled one leg off, next to Jonathan Taylor, and handed it along the ministers' bench; and one of the orthodox Friends, from Philadelphia I think, took it and put it under the bench.

There was a pushing and pulling, back and forth, this way and that, till some one said they are hurting Jonathan Taylor. Presently the table was pulled to pieces, and after it was broken, I think Benjamin W. Ladd said, Friends, let us now surrender, or, give up, I think we have contended long enough. James Heald said, I will not surrender, this meeting-house belongs to me. I think Benjamin W. Ladd, owing to this circumstance, proposed that the meeting should adjourn, and some one inquired if Jonathan Taylor was in the house. It was replied, that he was in the house. They then called over the representatives, to see if they would adjourn the meeting; and they answered, most of them, and agreed to the adjournment.

It was remarked on the other side, that the meeting was not adjourning, it was only the orthodox party. Perhaps there were not more than two or three objections made to their adjourning. At that time Halliday Jackson spoke, and said that he hoped Friends would act like Christians towards each other, and make some arrangement, by which both parties could be accommodated with the house. It would be much better on both sides, or words to that amount. Benjamin W. Ladd said, that he was not a member; or that he was an intruder there, and wished no notice to be taken of any such proposition. After this, the orthodox party soon left the house.

Were you present on Third-day morning? I was. How many persons do you suppose were present on Second-day, belonging to Friends, including all the different parties? I did try in my own mind to make an estimate. I suppose when they were all together, taking members and those who were not members, that there were at least 1500 persons. It is difficult to answer the question with correctness, but I suppose it very possible from the best evidence I could get, that one hundred or more were not members, perhaps, more, perhaps less.

After the orthodox withdrew, as I sat upon a bench facing the meeting, with only three benches back of me, I attempted to count, to see how they averaged upon the different benches; and from that calculation, I concluded that about seven hundred persons remained. I do not know of any who were not members being in the house many minutes after the orthodox withdrew. It was remarked that our meetings were usually

held select, and that it would be desirable, and very kind, if there were any present who were not members, that they would withdraw, and some few withdrew. I suppose that five or six hundred remained. Some few of the orthodox remained, perhaps six, eight, or ten, and I believe James Heald was one.

Are you acquainted with Israel French? I am. How long have you been acquainted with him? Perhaps six or seven years. Israel French is a Friend that has always stood very fair in our society. He is a man in good standing, and one that has had a considerable of the business of society devolving upon him.

Do you, in your society, or in your meetings, acknowledge an authority in any set of men over the others? I never knew it to be so. It is a society of perfect equality in theory. It is true, that in our meetings of business, and out of meeting, we have always considered that there was this difference, that those who were exemplary and moral men, have stood higher and have been more looked up to than others. The same as it is in other societies. That is, men of more experience have been looked up to, more than those of less.

By the practice of your society, has the clerk any authority but to register the sense of the meeting? He has always been considered the servant of the meeting, in any business that the meeting might direct. It has been a uniform practice, for the clerk to be subject to the voice of the meeting. Have you ever known a meeting to have the voice of the minority fastened upon it, when the majority opposed? I have known a meeting to be a little divided, and the question to be laid over till the next year. When Friends did not see alike, it was thought best to continue till another year, and then bring it forward again.

When a proposition is made, in any of your meetings, by a member, for the discussion of the meeting, is it decent or orderly for the clerk to go on? I never knew it before. I have never seen a case where a proposition was before the meeting, that it was not settled or laid over. The late instance is the first deviation that I recollect.

What effect did the proceeding of the clerk have, as to disorder in the meeting? I do believe it had the effect to cause considerable disturbance. I believe, that had the clerk waited till the proposition was fairly decided, if the majority had been opposed to the appointment of David Hilles,—if that had been the judgment of the meeting, David Hilles would not have been considered appointed; and if the accusations against Taylor were judged to be false, he would have been continued. I believe that would have been the result of the meeting.

Have you ever known a Quarterly Meeting to choose guards?

Yes, we have been in the practice of it for a number of years. If any person appeared, who was not a member, we were not willing that he should sit in a meeting of business; this has been the case in Ohio Yearly Meeting. I do not think it has been a uniform practice in all the Quarters. They have been principally taken from Short Creek. I have never known them to stand in the door, but to stand out, or sit down inside. I have been appointed as one of the number myself, but I never found any thing to do. I have never seen it done in the same order, as at the late Yearly Meeting. (In *good* order said one of the counsel in an under tone; in *disorder*, said the opposite counsel. Not quite so good order, said another, if I may express an opinion, for I think, it was rather a disadvantage to the society.)

*Cross-examination.*—Did you mean that Taylor's reading disturbed the orthodox part of the meeting? I think it led to a disturbance of both parties. Did it tend to interrupt the orthodox party? I think it did, by exciting those opposed to Jonathan Taylor. These proceedings, you think, tended to urge the Hicksites to advance? As I have stated before, there was a proposition, which I thought had fairly come before the meeting,—I thought it in order; and I think if he had not commenced reading, it would have been settled better. Merely by calling to order? I do not know that I ever knew Friends called to order. Did you ever see a motion out of order? I have seen that which I thought might better not have been made. Did you ever know a motion out of the order of discipline? I recollect no instance at present.

Do you suppose that there would have been any disturbance, if the Hicksites had not proposed to appoint a new clerk? I think there would have been no disturbance, except the first difficulty of getting into the house. When I advanced to enter the house, I took it that David Steer moved a little for me, but intended to debar Elisha Dawson and Amos Peaslee. I declined going in without they could be admitted. There were, perhaps, twenty persons round the door. How long was it after the first push, which you have spoken of, before it was repeated? I think Peaslee had spoken a second time when the press was made. Elisha Dawson was near falling, and I took hold to raise him up as he was in the act of falling, but I did not hold on. Did they say any thing to Dawson or Peaslee? They did say, that they were not members, or something in that way.

At what time is a proposition considered as decided in your meetings? When a number have spoken, and the voices cease, then it is considered the voice of the meeting, and the clerk makes a minute. After reading it, if any part is not satisfac-



tory, any Friend has a right to object, and it may be amended. Did you understand, that, after the proposition was made to appoint David Hilles clerk, there was sufficient time, if the clerk had been ready, to have entered a minute? He might have written something, but I think there was hardly time enough—there was a pause, but I would say there was hardly time enough to enter a minute. Was there enough after the proposition by Israel French? There was. There was no call on the clerk? It is not usual; besides, it was thought he was not qualified. Was it not requested several times, that Jonathan Taylor should make a minute of his displacement? And when a new clerk has been appointed, has not the old clerk usually made a minute, when present? (Answer not understood.) Did you ever know an instance where the minute of the appointment of a new clerk was not made by the old one, when he was present? (No answer heard.) Did you ever know an attempt to carry a new clerk to the table, giving to the old one no time to make a minute of the appointment of the new one, or to enter the decision of the meeting? Never. When the proposition of Israel French was offered, and before David Hilles was named, was there a pause sufficient to enter a minute? I have said I thought there was not sufficient time.

Is it according to the usage of the society to call the attention of the clerk to make a minute? I never knew an instance, although I think it would be right so to do. Had David Hilles any of the documents of the Yearly Meeting of Ohio? I imagine he had not. He had some papers in his hands. Did he get them from the clerk's table? I do not know. How long was it after his appointment was united in, before you saw him have them? It was, I suppose, after he was proposed, not half an hour. I felt much hurt with the proceedings, so much so, that I was not capable of determining the time precisely, or of describing all that passed.

Did you know any thing of an arrangement about proposing David Hilles? I did not.

*Questioned by the Judge.*—After the proposition by French, and his statement with respect to the clerk's disqualifying himself, how much time was taken up in discussing the subject, or in expressing opinions? Probably from five to ten minutes, as much time as is usual. I think two or three gave their dissent—I knew of only two, to the best of my knowledge.

How much time was taken up with the proposition to appoint Hilles? There was about the same time as with the other proposition, and about the same number of voices.

*Cross-examination continued.*—You do not think there was time sufficient for making a minute? Hardly. How many voices

did there appear to be expressing a unity with the propositions? There must have been more than a hundred, perhaps two hundred. It was like the ayes and noes in a large assembly. It might have been rather faster and more mixed than usual; but then there were so many voices more than is common, that it might have made it appear so to me.

Taylor did not appear like making a minute, he appeared to be otherwise engaged. I understood that French's proposition was, to appoint a clerk for the day—I never knew representatives to name a *pro tempore* clerk. The representatives, the next day, brought in the name of David Hilles, and reported it to the meeting; they named David Hilles to serve as clerk, and Jehu Lewis as assistant, and the meeting united with the nomination.

*David Scholfield affirmed.*—Are you a member of the society of Friends? I am. Were you at the late Yearly Meeting? I was. I attended the meeting at Mount Pleasant on First-day morning, as usual. About the usual time of gathering, and after a little time of silence, Elias Hicks rose and spoke for about forty minutes. I took out my watch and looked. After he sat down, Elisha Bates spoke for the space of twenty-five minutes in direct opposition. I did not consider it like preaching, and I apprehend he did not himself. After he sat down, Anna Braithwaite rose, a female minister or missionary from England. She spoke forty-five minutes, pretty much after the manner of Elisha Bates. It was not in the usual manner, but, in my apprehension, rather disorderly.

After this, Elias Hicks rose to make some reply, and they broke up the meeting in a very abrupt and disorderly manner. I went to the meeting in the afternoon. They were unusually long in gathering; the people kept coming in and going out. After being there some time, Elisha Dawson rose and spoke some time. Soon after him, Amos Peaslee rose, and addressed the meeting in a very feeling manner for a considerable time, when Thomas Shillitoe and Anna Braithwaite commenced whispering, and it passed to the next, and to the next a second time, and extended down till it came to Elisha Bates. He turned and whispered to Jonathan Taylor, and he back to Elisha Bates. It passed back and forth several times, and at length Jonathan Taylor rose, and requested Amos Peaslee to please to take his seat, as he considered him a disturber of the meeting, and that he had no right to speak there, not being a member of the society of Friends.

Amos Peaslee remained standing on his feet in silence, while Taylor was speaking; and as soon as Taylor sat down, he resumed speaking as if nothing had happened. In a short space Elisha Bates rose in a very abrupt manner, and in a loud voice exclaimed, "Amos Peaslee, wilt thou please to take thy

seat. Thou art an intruder, and hast no right to be in this house." I thought it was the loudest voice I ever heard in a meeting in my life; and as Amos was only two or three from him, if he had wanted to speak to him, he might have done it in a lower voice. A person near by, rose and said, "Elisha Bates, sit down;" and it was soon extended over the whole meeting, Elisha Bates, sit down! Elisha Bates, sit down. It created great confusion; many got up to see, some rose on the benches, and some on the backs of the benches. There appeared to be a little stillness, and Amos Peaslee said, "by the mercy of God, I beseech you to be still."

The meeting became quiet, and Peaslee continued to speak for twenty or thirty minutes, and took his seat. There was some little whispering, back and forth, and Amos replied to it. The next day, about half past nine, I was told the doors were opened, and I went to the meeting house—it was raining pretty smartly. I set my foot upon the door sill, and a person put his hand to my stomach, and exclaimed: "thee is not coming in here; I am set here to keep this door, and I shall keep all such men as thee out." I immediately felt a press at my back, shoving forward. I raised my foot again to step into the door, but he clapped his hand to my breast, and several others in the house came to his assistance; and the pressure behind shoved me on to him. They pressed my breast so that I was scarcely able to get my breath, but I got to the stove and leaned on it for some minutes.

While at the stove, I noticed that all the raised seats were full, and the benches near by were fuller than I ever saw. I looked around, and saw that about six benches facing the gallery were also filled; not so crowded, but they were well filled. After I had been standing some time, a person on the third bench near the stove, beckoned me to come and sit down, leaving one seat between me and the end of the bench, where I remained till the confusion was all over, sometimes sitting and sometimes standing on the bench.

After some time Thomas Shillitoe from England went to prayer, and his prayer was very singular, such as I never heard before. Instead of praying for the salvation of souls, he prayed for victory that day. He hoped the Lord would give his servants victory that day. After this there was a bustle, or burst of others coming in, and I saw among them Elisha Dawson and Amos Peaslee. The meeting then seemed to get into a quiet state, and remained so for some time, as long perhaps as is usual before proceeding to business. Israel French rose and observed that a painful duty devolved on him, inasmuch as the conduct of the clerks had been such, since the last year, that in his opinion, they had rendered themselves incompetent to

serve the meeting acceptably. He said it was painful, but he esteemed it to be his duty. Although it was very trying for him to do it, yet it was his opinion, that the meeting had better appoint another clerk for the present sitting, which was united in by many voices, and not a word objected as I heard, and I was paying particular attention.

A pause ensued, and sufficient time was given for objections, if any were to be made. Some one named David Hilles to serve the meeting as clerk, which was united with by a great many voices. And if my recollection serves me right, soon after, some one proposed Jehu Lewis as assistant clerk. This was not the same voice that named David Hilles, nor in the same place. Soon after Jehu was named, Jonathan Taylor rose and read an opening minute, which occasioned a greater burst of voices than there otherwise would have been.

After this, Jonathan Taylor proceeded, on the part of the orthodox, to call the names of the representatives, some of whom answered, and some did not. At the same time there were several voices, requesting David Hilles to come forward to the table. Some time ensued, and I discovered a company moving very slowly from the south door, towards the clerk's table. When they came near, I discovered David Hilles in the fore part, and others were pushing him forward. He appeared to use no exertion, except to move his feet. One young man, a neighbour of mine, I saw jerking, and jamming, and striking with his elbows; and they pushed David Hilles along up to the gallery steps.

As he was coming along, I saw many rise up in the galleries, and come towards the clerk's table, where they formed a solid column. And when the two columns met, as it were, there was pretty violent pushing on both sides. James Heald stood on the first raised step, and said something like this: that the house was in his possession. I saw him shove several people; and when they would not stand back, he jerked them out of the ranks, and others were assisting him. They continued moving on, till at length the crowd became so dense that I saw them shoved at one jostle as much as two or three feet, and then they rather desisted. Some proposed that they should not attempt to go to the table, but would open the meeting in some other part of the house. I saw them spread some papers on the stove, and soon after this, Hilles commenced reading, and they said he wrote a minute there.

About this time, Jonathan Taylor was reading a minute. And as I looked round, I saw young Richards getting over the bench, and Joseph Steer jerked him down on the floor, as I thought pretty severely. About the same time, I saw Isaac James going into the gallery; Jacob Richards was on the west side, and Isaac James on the other; he appeared to be carried

by the two parties clear from the floor, one party pushing one way, and the other, the other way. It appeared to be with about equal violence, and very doubtful who would gain the victory. Benjamin W. Ladd pushed against him as he was getting over the railing, and jammed him up with as much violence as I ever saw used by one man towards another. I cried out, Benjamin Ladd, thou art committing violence; and he desisted.

Soon after this, I heard a noise like something breaking in the gallery, and some one cried out, the youth's gallery is falling. The first man I heard was in the ministers' gallery, half-way from the table to the women's meeting, and a rush to get out of the house immediately ensued. They rushed out of the doors and windows; it was such a rush as I never saw any where. During this time, the door back of the table, which had been kept shut, was opened, and the people in the galleries ran out that door, as fast as they did out of the other doors. By this means there were a great many more of the party called orthodox who got out than there were of the other party; because they had that door exclusively to themselves.

The alarm was soon discovered to be a false one, and the people of both parties having, many of them, gone out, left considerable room upon the seats. It was observed, now is a favourable time for him to get to the table. Another scuffle ensued much more violent than the other. I saw James Heald and Nathan Heald have hold of —. He twisted himself round in their arms, and by great exertion broke their grasp, and got away, and went up through the crowd to the table. This scuffle I think was after Hilles had got up to the seat at the end of the table, and perhaps two or three feet from it, I cannot say with precision. I saw him going up to the table, but did not see that he used any force. He was carried back and forth across the passage-way two or three times, before they got him into the gallery. They had him about breast high, or something like it.

The crowd gathered round the table so dense, that I could not discover any thing in particular, only Amos E. Kimberly rather lying upon the table, in that way. (Witness shows the position.) I heard something like breaking, and some one said, there goes one leg of the table. Directly there was a great cracking with the table; and I saw pieces in the hands of several persons. One piece I think was in the hand of Joseph Steer, I could not identify any other. At your meetings, is there any one set of men who have power over the others? I have always considered the society of Friends as being a complete democracy, all having equal rights and privileges.

When a proposition is made to the meeting, have you any

uniform practice upon the subject? The general practice is, that any Friend feeling a concern to make a proposition, is permitted to do so; Friends then consider it, and when the judgment of the meeting is expressed, the clerk makes a minute to that effect. Is it considered decorous and civil to interrupt when a person has laid a proposition before the meeting? It is indecorous, uncivil, and out of order.

Was there any thing improper or unusual in the motion of Israel French? I did not discover any thing out of order, or unusual, other than the novelty of the occasion. Have you ever known a clerk to proceed with the reading, to call the names of delegates, or to do any other business, when such a proposition was before the meeting? I never did. I never heard of such a thing until this unhappy disturbance commenced.

*Cross-examination.*—Do you consider it according to discipline for a disowned member to attend your meetings? I do not. Do you consider it in order to make a proposition in the way that French's proposition was made, and to carry it in the way that was attempted to be carried? I have said that the proposition was made to the meeting in the usual way, and that Hilles was proposed in the usual way; but as to their agreeing to the proposition, it was rather quicker than usual. Did you ever know a clerk appointed in that way? I have in the subordinate meetings, with the exception of the clerks being present.

Did you ever know a proposition for appointing a clerk to be united with in that way? I have said, I thought there was nothing unusual in uniting with it. Did you ever know a proposition for appointing a clerk to be united in, and carried into execution, in the way this was? "What do you mean?" said the witness. I mean, was it, or was it not, according to the usage of the society? I say it was according to the usage of society, taking into consideration the novelty of the occasion. You believe that it was according to the order of the society? Yes, I do; because the discipline is silent on that subject. Have you been disowned by the society? Only by the orthodox party. Have you been disowned by them? I have received a paper purporting to have been issued by their Monthly Meeting. Did you attend with the committee? There was no committee appointed according to discipline. I did not attend with the committee, because I did not consider them appointed in the order of the society. Here witness produced the testimony of disownment issued against him, which was read by Mr. Tappan, and is in the following words:

"David Scholfield having a right of membership in the society of Friends, but giving way to the spirit of dissention;



hath charged the Yearly Meeting of Indiana, and the Meeting for Sufferings of Ohio Yearly Meeting, with making wrong representations in their testimony and epistles of advice, &c., and also said he had read a book of sermons, attributed to Elias Hicks, and saw no impropriety in the doctrines therein contained; and he being laboured with, and it not having the desired effect, we disown him from being a member of our religious society, until he becomes sensible of his misconduct, and condemns it to the satisfaction of Friends.

“Signed in, and by order of Salem Monthly Meeting, the 19th day of the Third-month, 1828.

JOSEPH SHREVE, *Clerk.*”

*William Dilworth affirmed.*—Were you at Ohio Yearly Meeting on Second-day, the 8th of September? Yes. Do you know who gave the alarm that the galleries were falling? Yes, it was William Judkins of Mount Pleasant. Were you near him? Yes, I was next to him. He warned the people to move away from about the door, as the galleries were coming down. He ran to the window, and knocked two panes of glass out, and the people began to run down.

*Cross-examination.*—How do you know that was the first alarm? It was the first I heard. It was when they were trying to put the clerk to the table. I was on the stairs pretty near to the head of them. Did Doctor Judkins mention to you that the galleries were coming down? No, he hallooed out at large. Had he a lath in his hand? No, he had no lath in his hand—I did not see him have any thing in his hand. What produced the cracking? I understood it was a board broke, somewhere about the meeting-house.

*Questioned by Mr. Tappan.*—Did you say Judkins was standing on the stairs? He and I were sitting on the stairs; and many were leaning over the railing. He said, I believe the railing will come down; and when the board broke, he jumped out of the window, and as the people were running down stairs, they threw me over the railing.

The Court adjourned till Monday morning.

*Monday morning, Oct. 20th, 9 o'clock.*

*Joseph Updegraff affirmed.*—Are you a member of the society of Friends? Yes. Did you attend the Yearly Meeting at Mount Pleasant? I did. I attended the meeting on First-day morning as usual. After the meeting had gathered, Elias Hicks delivered a discourse of considerable length. Immediately after this, Elisha Bates rose, and observed that he believed it his duty to inform the meeting, and particularly those of other societies who were present, that he had no unity with Elias Hicks' doctrines, or with the sentiments that he



had delivered there. He went on at considerable length, against what had been said. He said that Elias was an intruder, and had no right to be there.

Pretty soon, Anna Braithwaite rose, and expressed her sentiments pretty much to the same purpose. This is all that I recollect in relation to the fore part of the day. I attended meeting at the same place in the afternoon; and shortly after the meeting convened, Elisha Dawson rose and made a short speech. Soon after him Amos Peaslee rose, and had spoken some little time, when there appeared to be a whispering at the head of the meeting. They were holding their heads together, as if in conversation on the subject.

Jonathan Taylor then rose, and requested him to take his seat, and not interrupt or take up the time of the meeting. When he sat down, Elisha Bates rose, and in a loud tone of voice, ordered him to sit down—that he was imposing on the meeting, and taking up the time of the meeting improperly. Amos stood quietly, and a number of persons told Elisha Bates to sit down. A number rose up, and some stepped towards the gallery, and Elisha Bates took his seat. Amos Peaslee, in order to quiet the meeting, said, I beseech you, Friends, by the mercy of God, to be quiet; and proceeded without any opposition to the end of his discourse. There was no further disturbance of any consequence in the meeting.

On Second-day morning, I went to the meeting about half past 9 o'clock. The east doors, where we generally go in, were shut, and I walked round to the south side of the house. I saw the steps were full, except a narrow passage. There were men standing on each end of the steps. At this time it was raining pretty hard. I think there are four steps, and there was a person on each end of every step. There were a number stopped, some at the bottom, and some part way up, of those that I took to be Friends. I stood, perhaps ten minutes, thinking what was best to be done, whether to go in, or not.

I finally concluded to go in, and walked up without opposition, till I got just in the door. I saw some persons a few steps from me, having a scuffle with the guards, and one being disengaged, turned round and laid hold of me, and pushed me back a little; I however walked on for perhaps six or eight feet, with him hanging to me, and he then let me go. There were very few then in the back part of the house. But the raised seats were all filled, and two or three near them were pretty well filled, and also the steps leading to the gallery.

About this time a great many came in, and some went to the eastern doors, and they were opened. I then walked out of the house, and found no guards at the doors. I thought, perhaps the women were in the same situation. I went round, and found a number standing at the door; it was half-way

open. Some of the women said, they were not permitted to go in, whilst others were going in. I did not stay long, but went to the east end of the house, and found that guards were stationed at both doors. A number were endeavouring to go in, and the guards were endeavouring to keep them out.

Persons frequently came up, whom I then knew to be members of the society; but they were prevented, and told that they could not come in, unless they forced themselves in. Others gathered around them, and pushed them in.

About ten o'clock, Amos Peaslee, Elisha Dawson, and a number of others, proceeded to the north-east door. I went with them: and when we came to the door, they made a halt, and I was informed that some one was speaking in the house—I was told, it was Thomas Shillitoe. They soon went in, but I was kept some time waiting. About this time a number collected round us, and began to shove, and I, with the rest, was shoved a considerable distance into the meeting house. Every place was then full, the benches, passages, and between the benches.

A short time after this, perhaps ten minutes, the meeting appearing to be pretty quiet, Israel French observed, that the painful duty devolved on him of objecting to the clerk at the table. He said that Jonathan Taylor had, by recent transactions, disqualified himself for serving the meeting acceptably. This proposition was concurred in, by from one to two hundred at least, saying, I unite, I unite.

Did you ever know a question carried with greater unanimity? I never heard so many voices on any question. Was this concurrence immediate? The general voice was in a very short time; though a number of voices continued to be heard uniting. Before this was gone through with, I heard some person saying, that the clerk had better proceed to open the meeting. This was very soon done, by Jonathan Taylor's reading an opening minute. Did he read it in the usual manner? I believe he did. Just about that time there was a Friend proposed the name of David Hilles for clerk. I believe it was William B. Irish, as I was standing not far from him. This proposition was also united in by a great many voices, and David Hilles was requested to come to the table and take his seat. Some objections were made—it was said the regular clerk was at the table.

Was there any opposition to the appointment of David Hilles as clerk? There were two or three, who said they had a clerk at the table, and he had better proceed. In submitting questions in your society, is it usual for the whole meeting to express an opinion? As many as see proper—sometimes a large proportion, and sometimes less.

Those who express no voice, are considered as uniting in

the measure? Yes. Is it universal? It is so considered by me. If members are opposed, they must express their opposition? Yes. David Hilles was frequently requested to come to the table, but the clerks proceeded to call the names of the representatives, and they nearly all answered to their names. After they had answered to their names, it was frequently said, that David Hilles had better come and take his seat, as he had been appointed and united with.

I saw nothing of David Hilles till he came near the stove. I was near by, and there appeared to be so much opposition to his going to the table, I told him he had better make a minute on the stove. A number of coats were taken off and spread upon the stove, and he made an opening minute on the stove, and read it, and was preparing another, when the alarm of the galleries' falling took place.

Just before the alarm, I saw persons handing papers to him, which I believed to be the reports of Quarterly Meetings. Were they handed by the same person? No, by different persons. This was about the time the alarm was given; though just before, there was something like the breaking or splitting of a board. It was said the galleries were falling, and it was repeated by a number. It caused great confusion, and the meeting rose pretty generally. They made their way to the doors and windows to get out of the house. I was not much alarmed, as I was standing by the stove, and not under the gallery. I soon discovered the alarm was groundless. I looked round, and saw persons opening the door back of the clerk's table. When the bars were taken out, and the doors opened, a number of persons went out; the passage had been very much thronged, but it was now pretty much cleared. I saw that we could go up quietly, as I supposed, and Hilles took up the reports, and I took the inkstand myself, and we walked towards the steps.

About this time the people were returning, and just as we got to the bottom of the stairs, eight or ten feet from the stove, they were just coming into the house, and we were repulsed, and pushed back several feet. I can't identify any particular persons who opposed. I myself succeeded in walking up the steps, and when I got near the top step, and had hold of the top rail, I discovered a number who had hold of the table. Joseph Steer was leaning on the table, with his arms around it, like. Amos E. Kimberly and some others also had hold.

I walked up into the gallery, and there stood observing what was going on. A short time after I was there, I recognised David Hilles at the foot of the steps. Some were urging him to go up, some took hold and lifted him, and, as I was standing on the top seat, I reached over and took him by the

arm, and assisted him in getting up. While we were assisting in getting him up, some persons took hold of his legs, and held him for some time, but we succeeded; and while he was going up, a man snatched the papers from his hands—I think it was John Hoyle. As he was going up, several said, John Hoyle has snatched the papers out of his hand. He turned round, and, thinking he had the reports, I took hold of him and looked in his hands and under his coat, but did not discover them. I then looked on the floor between him and Benjamin W. Ladd, and there I saw the reports. I picked them up and gave them to David Hilles, and observed to Benjamin W. Ladd that John Hoyle had robbed Hilles. Benjamin W. Ladd replied to me, Joseph, thee has thy redress. There was then considerable parleying near the table. I could hear them say, are you going to let David Hilles have the table? While others said, no, we will not give it up while we can hold it. Some were pulling one way and some another, and the table went to pieces. Benjamin W. Ladd said, that's enough, that's enough, we'll surrender. He was standing close to me. Another person, that I took to be James Heald, observed, that they had not surrendered, that the property belonged to him—he had the deed of the property.

Some person proposed the propriety of adjourning the meeting, and at that time an inquiry was made, whether Jonathan Taylor was in the house. It was soon ascertained that he was in the meeting. It was then proposed that the representatives should be called, to know whether they would unite in an adjournment. Their names were called, and as many as answered to their names agreed to it, and, I believe, most of them answered.

David Hilles, about this time, or just before, had read the opening minute again; the meeting having been in such confusion, we thought it proper to read it again.

About this time a Friend got up on the bench, I believe it was Halliday Jackson, from near Philadelphia, and proposed that Friends should come to some amicable arrangement in relation to the house, so that both parties might be accommodated. There was a reply immediately made that Halliday Jackson was an intruder in that meeting—that he was not a member of the society. I think this was by Benjamin W. Ladd, but I am not positive. Very soon after this, the orthodox part of the meeting withdrew. It was understood that it was only the orthodox party that had adjourned, and not the meeting. However, just before that, some one observed, that the women had better be informed of the conclusion, and some persons were accordingly sent to inform them; and the orthodox part of the women soon withdrew and left the house.

When Israel French made the proposition, was the meeting

in a quiet state? It was quite silent. Were you present when Taylor was appointed clerk the year before? I was. Was he appointed before or after the opening minute was read? [Answer not heard.] When the proposition was made by Israel French to appoint another clerk, was there any disturbance in the meeting, till Taylor began to read the opening minute? I believe not. Did or did not the reading of the old clerk, occasion disturbance? Immediately, when he proceeded to read the minute, a number of persons said, David Hilles has been appointed clerk.

When a proposition is offered to your meeting, is it the usual course to decide that, before any other proposition is offered? It is usual, if it is worth discussion, to have it done, and the sense of the meeting taken upon the subject, before any thing else is taken up. Did you ever know a meeting to adjourn by calling the representatives, and asking their consent? I never did.

In the Yearly Meeting of Ohio, did the representatives ever exercise any control over the meeting till last year? Not any more than other members. Are they considered as any thing more than messengers from the Quarterly Meetings? I never understood that they were any thing other than common members. What is the particular duty and office of representatives from the Quarterly Meetings? Their duty is to bring up reports from the Quarters to the Yearly Meeting; and to take back any thing that may concern their particular Quarter from the Yearly Meeting.

Has Benjamin W. Ladd any more authority in your meeting than any other man? I should not think he would presume to take any more authority. Is the clerk of your meeting a person having any more authority than any other member? The object of a clerk, I believe, is, to act for the meeting, to take down and make notes of what transpires in the meeting, according to the understanding of the meeting. Would it be regular for the clerk to enter as the sense of the meeting, what was evidently only the sense of a minority of the meeting? By no means. In your Yearly Meeting, do you acknowledge that any set of members have any authority over the others? Not at all. All stand on equal grounds.

Is there a fixed time in the day for the Yearly Meeting to assemble? Yes, 10 o'clock. Who are allowed to attend your Yearly Meetings? All may attend who belong to the Yearly Meeting; and those who may be present from other Yearly Meetings are at liberty to attend, and when they do attend, they may express their opinion; but they have no right in making up the sense of the meeting. There were in attendance a number of persons from other meetings, perhaps from 20 to 50, a much larger number than usual. Do you know to

which party they belonged? I know no other than that they went off with the orthodox.

Were you at Short Creek Monthly Meeting just before the Yearly Meeting? I was. Was Thomas Shillitoe there? He was. Was any thing said about excluding from the meetings of the society any of the members? At the close of the meeting, there was something said by Thomas Shillitoe by way of advice, with respect to shutting the doors of the meeting house. He said that it was very obvious, that a division would take place in the Yearly Meeting, as a division had taken place in the Quarter; and his advice to Friends at the time was, that they should use all prudent measures, to lock and bar the doors and windows of the house, so that if the Hicksites, or, otherwise, heretics, should go off and leave the Yearly Meeting house, they would have no refuge to go to at all; that the world might see that we had no unity with them. This was united with by some of the leading characters and elders of the meeting, by saying, I think it right that it should be so—I unite in that sentiment.

Were you at the conference at the school house in Mount Pleasant, on Seventh-day afternoon? I was. My object in going there was, to consult what would be the best measures to pursue, if we did not get peaceable admittance into the house, and where we should hold the meeting. What reason had you to apprehend, that you would not gain a peaceable admittance into the meeting house? By the advice which had been given in the meeting previous, and by the measures that I had seen taken, in locking and barring doors, in an unusual way from what I had ever seen before.

What was the conclusion come to at that meeting? It was, that we would attend the Yearly Meeting as usual, and if no opposition was made, we would go in quietly as at other times; but if much opposition was made, so that we could not get in without force and violence, it was thought best not to go in; and then, when assembled, we could determine what further steps would be necessary and proper. These are the conclusions come to at that conference, as far as I know them.

*Cross-examination.*—What was said about David Hilles at the school house? I think it was said that David Hilles would be a suitable person for clerk; and if we could not hold our meeting in the house in a quiet and peaceable way, we must go somewhere else—in which case, David Hilles would be a suitable person.

You have spoken of David Hilles reading an opening minute at the stove? Yes. It was about the time of the cry that the galleries were falling. He read the opening minute about the time of the alarm. You say that William B. Irish was near



you? He was. Did you not hear him unite in his own nomination? I did not.

After the society was organized, was there a report received from the Meeting for Sufferings, or any of the committees appointed by the Yearly Meeting? I believe not. Can you tell whether the Yearly Meeting that was *organized*, (I suppose I must not say *re-organized*,) were in possession of any of the records of the Yearly Meeting? I do not know that our representatives had any records, other than the reports. Do you not know of all the Quarters setting up a separate society? No. You were not excluded from the house? I was taken hold of, but not told to stay out. Was it not according to the usage of society, to ask a man to sit down, if he had no right to preach there? That would be proper. Did you not know that Amos Peaslee had been disowned? No. It was said in meeting that he was disowned. Did he reply? He made no reply. You think he had no voice in the decision of the house—how was it with Halliday Jackson? He made a proposition, and some one said he was an intruder in the house; and it dropt, and nothing more was said at the time. Now was not that as much out of order, as the conduct of Thomas Shillitoe—he had no right there, neither had Shillitoe? But the meeting united with it. There was no minute made of it? Things that are not worth minuting are never minuted. Does not the discipline require it? There was no minute made about Shillitoe's advice, and I consider them both out of order; the clerk could not have taken the subject up, because it came from one not a member: the difference is, one was acted on, the other not.

What Monthly and Quarterly Meeting do you belong to? To Short Creek. Do you not know of a new Quarterly Meeting held there, without delegates from the Monthly Meetings? I know of no representatives having been sent from Monthly Meetings within that Quarter. Yet you held a Quarterly Meeting? Yes. You say some persons ordered Elisha Bates to sit down? Yes, but I did not know any of the individuals. Do you know of any persons having been kept out of the house who had a right there? I can't identify any. I saw persons prevented, who, I believe, had all the rights they ever had—Owen Dewees was one. I knew them to be members then, for their faces were familiar to me. Do you know of Owen Dewees ever attending a meeting at Short Creek? I have heard he was disowned there, but I do not know it.

Have representatives any greater right in your meetings than others? They have other duties to perform. They bring up the reports from the Quarterly Meetings; and it is usually laid on them to name a clerk. Did you hear any thing about the appointment of an assistant clerk? I think I did hear the nomination, but I do not know by whom it was made. Was



there any objection to Amos E. Kimberly? I do not know of any. Was not the proposition of Israel French received in rather an unusual manner? There were a great many voices; I never heard so many at once.

After the main part had expressed their approbation, I heard a number of voices distinctly saying, I unite with it—I unite with it. Did you ever know in a Quarterly or Yearly Meeting a proposition agreed to in the way that was? I never did. There was no discussion took place? There was no time given for any, for the clerk went on.

Is it not usual for the clerk to make a minute, or is it considered the decision of the meeting till a minute is made and read? I say there was no time after the last uniting. How long after French made his suggestion before David Hilles was requested to take his place? Perhaps ten minutes after the first proposition. Did you ever know a case when there was not twice that time given? I have generally seen more time. I never before knew a clerk undertake to read while a discussion was going on, but he proceeded. Was he called on to decide? I do not know that he was. The assistant clerk, immediately after the uniting with David Hilles, went on to call the names of the representatives. I never knew a case before, in which the clerk did not call the representatives. Do you know of any of the orthodox party acting upon that proposition? They said they had a clerk at the table, and that he had better proceed, as the proposition was out of order.

When David Hilles was invited by you to go to the clerk's table, he did so? Yes. Why did David Hilles read an opening minute the second time? I can't tell David Hilles' reason. I know my reason. It was, that there had been so much confusion, the people could not understand. Was there time between the ceasing of the clamour after the proposition by French, and the nomination of David Hilles, to make a minute? There was not time, after they had done uniting, for the clerk to make a minute, nor was there any demanded. There was no decision come to, then, that Taylor had disqualified himself? We always consider a question carried when there is no opposition. Did you ever know the decision of a meeting before, that was not minuted, and even read, before it was esteemed the decision of the meeting? I never did. But we considered it carried, as there was no objection to it; and there was no clerk to minute it at the time. Why did not Amos E. Kimberly make the minute? Because he had no right to make it. It is his duty to read minutes after they are made. He has no business to act as the clerk. He acts in no case as clerk, even in the absence of the clerk, without a special appointment by the meeting.

*Questioned by Mr. Tappan.*—Did Peaslee deny being disowned? (Objected to.)

*Questioned by Mr. Wright.*—Was there any objection to the adjournment? I believe there was no opposition to the orthodox adjourning.

*Israel Updegraff affirmed.*—Are you a member of the society of Friends? I am. Did you attend the late Yearly Meeting at Mount Pleasant? I did. I do not recollect any important circumstances which have not been fully detailed by other witnesses. I went to the meeting at an early hour, perhaps half past 9 o'clock, and went in at the north-east door, without opposition from any body. I expected to meet with opposition, but I think there was nobody there to oppose me. I turned my eye towards the gallery, and discovered one seat vacant, and went and occupied it. I intended, if possible, to place myself in a conspicuous situation, believing there would probably be an attempt to exclude me. I did not intend to be excluded, except by physical force.

The proposition by Israel French, to appoint a new clerk, in consequence of the disability of the former clerk, was pretty generally united in, as has been stated. At the time the proposition was made the house appeared to be quiet; and it was united in more generally than is usual; and after this general assent, I believe William B. Irish named David Hilles, which nomination was also very generally united with. There were some two or three voices in opposition, but I do not recollect the nature of their objections. Several persons expressed a wish, that David Hilles would come forward, after this general approbation of his appointment. I felt a good deal of anxiety myself, and thought it a long time before any movement was made towards his approaching.

I was afraid, in consequence of the organization that was known to exist in the society, that he would not approach the table. But I at length discovered that they were progressing up the walk, but it was some time before they got to the stove. I discovered that David Hilles was coming forward by the aid of some others.

My seat was in the gallery, pretty near to the north-east corner of the house, as far as I well could be, from the clerk's table. I rose and made my way towards the steps leading to the clerk's table, and soon saw that a number were organized upon the steps, as I supposed, to prevent the approach of Hilles to the table. I went up with a view to help him to get to the table; and when I got there, I found four immediately before me, one of whom had his arm round the banister, and they had their arms round each other, forming a solid body, as if they did not intend to be removed by any force.

I had not much physical force, but I used what little I had,

to help open the way. I was fronting them, and there was a shove came against me, and pushed me against a man that was called James Heald. It shoved him considerably forward, towards the clerk's table. I had not proceeded far forward, till another shove brought me back against the end of the bench, so that I could not extricate myself without the removal of some Friends. They appeared unwilling to remove, and I got off with as little injury as possible. This threw me out of the crowd, and I made use of no exertion afterwards. David Hilles, directly after, made an opening minute at the stove.

I think Jonathan Taylor did not read an opening minute till some time after the appointment of Hilles. Not knowing what would be proposed, I had made some preparation, and furnished myself with blank paper, pen and ink, which I thought might be otherwise unprovided. During the pushing that took place, I lost the paper, but furnished the pen and ink. I do not recollect whether I furnished a scrap of paper from my pocket book, or whether somebody else did it.

I did not see the manner in which David Hilles got to the gallery, having got into conversation with one of the opposite party. I heard the table break, and saw occasionally a piece held up, but did not know the persons engaged. As to the proposition by French, and the uniting in it; and the proposition that David Hilles should be clerk, and the uniting in it—were they in the usual manner of doing business? I saw nothing out of order; I have known such motions for removing clerks in subordinate meetings. Did the clerk proceed to enter a minute? He did not.

Would there have been any confusion or disturbance in the Yearly Meeting, had it not been for the opposition to David Hilles as clerk? I think it probable there would have been; for there had been a combination entered into, long before the Yearly Meeting, to exclude certain individuals. I presumed that I was one of the number, and I had determined not to leave the house. I supposed the orthodox intended to have the house exclusively, judging by their arbitrary conduct and despotism for a long time previous.

In your Yearly Meeting is there any particular body, or number of Friends, who have exclusive privileges? None. I believe it to be a meeting of perfect equality as to right. I consider it a perfect democracy. Has the clerk any authority other than to register the proceedings of the meeting? He is a mere servant of the meeting, to make a minute when a conclusion is come to, and is liable to be removed whenever the meeting conclude on it. Were you ever clerk of a meeting? I have been clerk of a Monthly Meeting. Did you ever consider, while acting as clerk, that you could enter any thing

that was not concurred in by a majority? I never thought that I could use my own opinion, without expressing it, and having it concurred in by the meeting. Did you ever know the representatives, or delegates, to be called on to decide a question? I apprehend the thing was never thought of before. Have not all propositions for adjournment, &c. usually been made to the meeting generally? They are always made to the meeting.

Who purchased the ground, and built the meeting house, at Mount Pleasant? The members composing the Yearly Meeting. The money was principally raised by the Quarterly and Monthly Meetings, and partly by voluntary subscription. The property cost more than was contemplated, and the sum being found insufficient, there was afterwards, in the Yearly Meeting, at one time, a voluntary subscription raised, for defraying some of the expenses. Were you a part proprietor? I contributed and paid money towards defraying the expenses.

Were those men who were attempted to be excluded as much proprietors as those who attempted to exclude them? (Objected to.)

*Mr. Tappan* said, when persons unite together and erect a house, where they are not an incorporated society, they become tenants in common in that house, and they have a substantial and equitable, if not a legal title in the property, as tenants in common. And being such tenants, one party has no right to exclude the other party. It appears to be a question directly involved, and if those excluded were co-tenants in common with those who attempted to exclude them, it is right to show it. And for others to attempt to bar the doors, and shut them out, is committing the first wrong, and assuming that in which the law will not protect them. I would contend, that when twelve men unite in building a meeting house, as twelve proprietors, if eleven should excommunicate the twelfth, and turn him out of the society, it would not transfer his right. But we do not admit that any attempted to attend that meeting, who were properly excluded by the discipline of the society—we claim that the parties who were attempted to be excluded, had an equal right there; and in order to say that the evidence is not proper, you must take the question for granted, that they were lawfully excommunicated.

*The Judge* did not think it necessary to pursue the inquiry.

*Mr. Tappan* said, it was important, to show that these two individuals were regular members of the society of Friends. He supposed it would be admitted that the house was built by the Ohio Yearly Meeting; and that it was in possession of the members of that meeting.

*Mr. Wright* said; the title to real estate could not be made out by parole evidence. That there was a legal estate there was no doubt, for that was shown by the deeds.

*Examination continued.*—Are you a member of the society of Friends? I had a birthright in the society, and have continued a member ever since. What constitutes a Quarterly Meeting? It is usually composed of two or more Monthly Meetings. I should suppose that two Monthly Meetings, at least, would be necessary to constitute a Quarterly Meeting. I never knew a Quarter without two. Have you ever known a Quarterly Meeting to lay down a Monthly Meeting without its consent? I have not, and I believe it has not the power.

At the time Concord Monthly Meeting was attempted to be laid down by Short Creek Quarter, as a representative, I thought the report of the committee so much out of order, that it was not considered by me as worthy of notice. I was at Concord Monthly Meeting, and I suppose, that probably one-fifth part assented to the conclusion of the Quarter, and that four-fifths were opposed to it. Did Concord Monthly Meeting own the meeting house and burying ground? They were in possession of that property. Did the laying down that meeting affect their subsequent meetings? No further than it subjected them to being visited by committees, &c. from the Monthly Meeting at Short Creek, and from the Quarterly Meeting.

According to what you have known of the proceedings of the society before this, it seems you have never known a Monthly Meeting laid down without their consent? I never have. I never knew that it was supposed possible by any body, or that the idea had ever been entertained, that it could be done, till lately. Can a Monthly Meeting disown any but their own members? They cannot. How do persons become members of a Monthly Meeting? By birthright, or by application to be received, and being received on that application. Did you ever know a man or woman to be attached to a Monthly Meeting without their consent? I never did. It is the duty of a Monthly Meeting, when a member removes, without requesting a certificate, to forward one. It may be with or without his consent, and in that way they become members of the Monthly Meeting in whose vicinity they reside. Has the Monthly Meeting at Concord a burying ground? [Objected to.]

*Mr. Tappan* said, that Short Creek Quarterly Meeting had assumed the power of laying down Concord Monthly Meeting, and he wished to show that this Monthly Meeting was in possession of real estate; and to show the nonsense of those people in attempting to lay down a Monthly Meeting, without their consent, being thus in possession of real estate. A meeting house and burying ground, are, in some instances, of great value, and it is absurd to suppose that any other body

than the proprietors of this real estate, can control it in any way. I would say, that Short Creek Quarterly Meeting could not lay down that Monthly Meeting, and transfer it to Short Creek—though they may attempt to transfer the members, they cannot transfer the real estate to another body. They cannot do it—they are not incorporated bodies. This will go to show, I apprehend, at once, that it is a new and absurd method, adopted by the orthodox party to break up this Concord Monthly Meeting—that it cannot be sustained in a legal point of view, as well as that it is inconsistent with the discipline of the society.

Mr. James was a member of Concord Monthly Meeting, which they have undertaken, four-fifths being opposed, to lay down, and annex to Short Creek Monthly Meeting. It is of importance then, to show, that it was by a species of legerdemain, that this Monthly Meeting was laid down; that those who were not members might gain jurisdiction over James, and in this way disown him. If we show that he was a proprietor of Concord, and that they undertook to transfer persons and property to Short Creek, it is making the case rather more difficult on the side of those transferrers, and showing that the thing could not be so easily done.

*Judge Hallock* did not conceive that he had any thing to do with this legal question.

*Mr. Hubbard.*—This inquiry is not to determine as to the legal right of property, or in whom it is vested. The object of calling the attention of the court to this subject, is, to arrive at a more correct understanding of the discipline; and as an item connected with the proper rule of discipline, we considered it an important question. It was presumed, that all matters which would throw light upon this, and aid us in coming to a right conclusion, would be proper testimony. And we supposed it would become more important, inasmuch as the other party might attempt to show, that two or three hundred others are disowned members; or all those on whom a notice may have been served; after this Monthly Meeting was said to be laid down, and attached to another, to which they owed no allegiance—but from which, a committee may have waited on them, taken them into their power, and disowned them. We suppose the discipline is abundantly sufficient, but we are disposed to bring all these matters to view, because others think they have all the right and power practised by an ecclesiastical tribunal.

The way, in which Monthly Meetings are created, is, by the application of members to come in, and be participators in certain religious rites; and there are certain rights, of which they expect to avail themselves, together with the

whole body of the society. It therefore becomes all important, to have a proper understanding of the rule of discipline. In the case lately tried at Philadelphia, they tried this kind of testimony, for the purpose—[Objected to by the Judge.]

*Witness proceeds.*—Is it customary for a Monthly Meeting to hold property? I believe they uniformly hold property, exclusively their own, in the same way that the Yearly Meeting has property. It may be separate from the Yearly and Quarterly Meetings both.

*Question by the Judge.*—Have you any presiding officer in your meetings? None, except you call the clerk such. Suppose that a disorder happens in your meeting, who would take it upon himself to see to it? Every individual would have an equal right. We consider that every member has a right to remove a person from the house, if he is disorderly; but we have no officer for that purpose—we have no umpire.

When a motion or proposition is made to the meeting, if I understand your rules, there is no putting the question? No, the clerk sits still, and the members express their opinions; he then records what he conceives to be the sense of the meeting upon the subject; I mean, the opinion of the majority—but it is not often urged, unless all submit.

Suppose a proposition should be made in your meeting, every thing being quiet and nothing unusual attending, and twenty should express a concurrence with the proposition, and ten, for reasons which they should state, should express their non-concurrence—is it usual in such cases, or would it not be the duty of the clerk to obey the majority? No; the subject is still open for discussion, and it is expected, that before he enters the minute, there will be submission by one party or the other. The usual mode is by the submission of one party or the other. I never knew a division called for. Suppose that twenty be for, and ten against the proposition, and the clerk should make his minute and read it, as passed and acceded to? Then it is open for the meeting to say whether it is correct. And if the ten still persist in disagreeing, would you conceive it the duty of the clerk to let the record stand? No, I should think it his duty to erase it, as not being carried or concurred in. You proceed then upon the principle of general concurrence? Such has been the uniform practice in the society, when there was no division.

When a proposition is made and discussed, is it customary for the clerk to make a minute of the making of that proposition, if it be not concurred in? He does nothing about it till the conclusion is come to, and if it is not concurred in, no entry is made. You have said, that the proposition of French was concurred in, generally? I meant, that there was a more general concurrence than is usual.



*By Mr. Wright.*—What number do you suppose concurred in it? I cannot say as to the number, perhaps more than a hundred. I considered that, though there was a great concurrence, still there was a very great opposition felt by those termed orthodox—they no doubt felt great opposition, though they made but little.

*By Mr. Tappan.*—If a member of your Monthly Meeting should make a proposition to remove you as clerk, would you think it decorous to read a minute, or any thing else? If he were a member whose opinion was entitled to any respect, I should think it entirely out of order. Would it not in your meeting tend to create a great deal of confusion? I think it would meet with opposition, as being out of order.

Did you consider the proceedings of the clerk of the late Yearly Meeting in order? I did not.

There is one circumstance which I would mention, in relation to the meeting at the school house in Mount Pleasant. I was informed that such an assemblage would take place, but I could not learn the object till the time of assembling. But I went there with a direct view, to form some combination to counteract the measures of the other party. I made no proposition openly, but I expressed my views to some individuals, but I found no countenance; I soon learned that their general object was to be pacific, though my own object was to assert our rights and maintain them.

*By Mr. Wright.*—I belong to Concord Monthly Meeting, and a few days before the Yearly Meeting, had been served with a testimony of denial, as they call it. I have already observed, that I thought the proposition by French, and the nomination of Hilles for clerk, were entirely in order.

I knew a case, in the Monthly Meeting to which I belonged, of a similar nature—the appointment of a clerk, when the old one was present, and not under dealing; no objection had been made but what was made in that meeting. The grounds of objection were known, but I do not know that they were stated. Was there any objection to the new clerk's being appointed? Not from the clerk himself. The reasons for the measure were of such a nature as to be known to the members of the meeting, though they were not given in meeting, nor were they of general or public estimation, though contrary to the discipline of the society. It did not occur in meeting, but out of meeting. Did it relate to the tenets or government of the meeting? It was a circumstance at variance with the discipline of the society. Was it disputing the authority of the meeting? I say the clerk was disqualified by circumstances out of the house, and that the proposition was submitted while he was in the house, that his place should be filled by another.

As clerk of the meeting, if a question should be submitted

to the meeting, which you considered out of order, would you say it was so to the members? I would. It would be in order for me, as clerk, to object to entering the minute, if it were out of order. If you were called on to make a minute which you considered out of order, would you make it? If I thought the subject did not require a minute made, I would forbear till the meeting instructed me to do it. Suppose any one should think it had been decided, would he have a right to propose to the clerk to enter it? He would. Suppose a dispute should arise as to what the proposition was, should not the clerk explain it? He may explain it, and if he is supposed to mistake the sense of the meeting, he may be corrected.

Was there any objection to your entering the house? There was no opposition made? When I entered, all the raised seats were filled, except one vacant place. When you advanced you found these men linked together, near the table? I did; and I used what physical force I was capable of to open the way. I have stated the reasons—that there had been a combination formed, and I knew the sentiments of the clerk; but I concluded we were as great a number, and I, for one, was not disposed to be excluded.

I believe there was no understanding at the school house in relation to this subject, although my object was to endeavour to effect an understanding, and to move in concert: for I thought we had lost much by being scattered, and not acting in concert. I thought in the house we were moving in concert, although I have never seen, in any meeting, so great a degree of excitement.

The voices expressing unity were more rapid than usual, were they not? From what has been said, I presume it was so, although I did not mind it at the time. Seeing the parties, as you did, did you not take into consideration, that the entire orthodox party were opposed? I am satisfied that I should have acted perhaps as the clerk did then at the table; for I acknowledge myself attached to a party. I believe there were two or three dissenting voices, but what the nature of their dissent was, I do not know.

*Questioned by Mr. Tappan.*—Did you ever know this method of guarding a meeting house adopted till this year? I have known one or two persons appointed.

*Questioned by Mr. Wright.*—Wherein consisted the difference? In the additional number, and in the manner of appointing them. It is, in my opinion, entirely out of order for subordinate meetings to appoint door-keepers to the Yearly Meeting. Do you know whether it is the practice in other Yearly Meetings? I never have attended any, except the Yearly Meeting of Philadelphia, and there were door-keepers.

Court adjourned till 2 o'clock.

*Monday, 2 o'clock, P. M.*

*Israel Updegraff called again. Questioned by Mr. Tappan.*—Are you acquainted with William B. Irish? I became acquainted with him during the week of the Yearly Meeting. Is he a member of the society? I believe him to be so. Are you acquainted with William Judkins, of Mount Pleasant? Yes, I am. To what party does he belong? I suppose him to belong to the orthodox party, in consequence of his being appointed by Short Creek Quarterly Meeting, to wait on me as a member of Concord Monthly Meeting.

*Question by Mr. Wright.*—Did you see any body in the ministers' gallery who had not, by the rules of the society, a right to sit there? No, I think not.

*James Hamilton affirmed, for the defendants.*—Are you a member of the society of Friends? I am considered such, by at least one party: although I have been informed since I came here, that a disownment was preparing for me. I had a birth-right in the society, and have hitherto lived in unity with my brethren. Were you at the Yearly Meeting? I was, as a representative from New Garden Quarterly Meeting. I was not there on First-day, but arrived on Second-day between the hours of nine and ten o'clock. Being informed that the meeting house was open, I went up, expecting to meet with some obstruction, as I had understood, previously, that a number of guards were appointed, by the orthodox, who intended to keep out all such as were disowned, or complaints entered against. I was one of that kind; a complaint, as I understood, having been made against me to our meeting, although I was a representative from our Quarter. I saw some of the guards, but got in at the door. None obstructed me, and I walked in as usual. The house, about the galleries, and near by, was pretty well filled. As I walked along, looking for a seat, I found the alley was closed up; and I observed a number upon the steps, in front of the clerk's table. When I got down nearly under the gallery I asked a Friend if there was room above, and we both went up, and took our seats near the front railing, where we sat for a considerable time, as usual, composed for the most part. Once in awhile there appeared to be a little disturbance, as I supposed, at the north door. When there was a disturbance of this kind, I endeavoured to keep as still as possible. After we had been there some time, an aged Friend from England appeared in supplication. Soon after he sat down, I heard a voice say, that all the Quarterly Meetings had forwarded their reports. Then Israel French, as I supposed by the voice, stated, that in consequence of the conduct of the clerk or clerks, he felt it a painful duty that devolved on him, to object to their serving the meeting.

There were soon a great number of voices expressing unity, as has been stated before: I thought more than was usual.

About this time Jonathan Taylor read an opening minute, and I think the name of David Hilles was proposed as clerk, instead of the one at the table, which was pretty generally united in, as the previous proposition had been. I think there was some little opposition; but not more than two or three persons expressed themselves on this wise—that the clerk had better proceed; which he did, without giving any further time for the expression of sentiments, or decision of the question. He proceeded to call the representatives, most of whom answered. Some from Redstone, I think, did not. While they were calling the representatives, there were a number of expressions, requesting David Hilles to come to the table. I heard one voice on this wise—“I protest against the clerks at the table proceeding any further.”

I looked to see whether any body was coming, and it seemed as if there was a pretty general press towards the passage; and the idea struck me, that the clerk was somewhere back, and that this press gathered into the passage to prevent him from getting to the table. At length I discovered a person about the stove, that I expected was David Hilles, from his appearance; and soon after, I saw that he had some papers in his hands. I was rather dissatisfied with the proceedings, and think I walked back, and did not pay particular attention for some time. After a little space, there appeared not quite so much strife, and I heard some one urging him to go up to the table. But he appeared disposed to still the people, and to remain where he was.

About this time the alarm took place; and there was a great press against the railing. Some said there was danger of its coming down. It was my idea, that the noise started on the south side galleries, and it struck me that it was a boy, and that it was probably done for mischief. I did not think there was any danger. I was in a situation where I could not see the door by the clerk's table, till I moved a little. After a short time the people returned. I did not take much notice about David Hilles, where he was. When they came in, the strife still continued about the steps of the gallery, near the clerk's table. I did not pay a great deal of attention to it; but it seemed like a general press. I could not see any persons doing more than others. One party was pushing very hard towards the gallery, and the other as hard to keep them down. That was about the impression I had, when I was looking down at them.

After some time, David Hilles appeared to have gotten into the gallery. During part of the time, being much hurt by the proceedings, I was walking back and forth in the passage.

The table was pulled back and forth; one party appeared disposed to pull it towards David Hilles, and on the other side, they were striving to get it towards Jonathan Taylor; and in the strife it was soon pulled to pieces. I think when the table was fairly broken to pieces, and the pieces were handing away, I heard a voice say, "it is enough, I am willing to quit." It was somewhere about the table, but the strife continued a little longer. I heard one Friend say, "Amos, don't strive any longer; let us go; it is enough." It was Joshua Cope.

I have attended Yearly Meetings before; but never saw doors guarded as on this occasion. Was the Yearly Meeting pretty quiet and still, when Israel French made the proposition? It was, considering the circumstances under which we met, quite as quiet as could be expected. Was there any opposition to Israel French's proposition to choose a new clerk? I do not recollect that I heard any particular opposition to that; but to the appointment of David Hilles, there were two or three who made a very little opposition, merely observing that the clerks had better proceed. I should have had no doubt, from the voices that were heard, had I not known that there was an opposite party in the meeting—had I been a visiting stranger, I should have taken it to be a clear expression of the meeting's voice.

All that are members within the territorial limits of the Yearly Meeting, have a right to go in and participate in the business of the meeting? They have. Have representatives from the Quarters there, any more right than others? I never considered that they had any other, further than to bring up and carry back business; or any other than is stated by the discipline: to name a clerk, merely to do away the necessity of appointing a committee for that purpose. Do the representatives ever adjourn a Quarterly or Yearly Meeting? I never heard of such a thing. Did you ever hear a proposition made to the representatives, and not to the whole body? They are known only as common members in the meeting; they have no more authority in the meeting than others.

Have you ever known a Monthly Meeting to be laid down, without their consent, except by these orthodox people? I never did know a Quarter to lay down a Monthly Meeting. Is there any power in your society superior to the Yearly Meeting? It is the supreme power, over its members. Is there any authority or power in the society, to enforce any discipline, but that of the Yearly Meeting? None. What is the business of a Meeting for Sufferings? Nothing further than is given in the discipline. I never have been a member of that body, and know nothing of its transactions. Have you in your Quarterly and Yearly Meetings any presiding officer? We do not consi-

der that we have: the clerk is the servant of the meeting, to record facts, and has no more authority than any other individual.

Is it considered proper, or do meetings ever exercise the liberty of removing one clerk, and appointing another? I knew a circumstance which might be considered as such. It was the case in New Garden Meeting, in Fifth-month last. The regular clerk, who had been regularly appointed, and was present, about opening the minutes, was objected to, as a complaint was against him, in the Monthly Meeting. A number present said, that there was no such complaint. This created some confusion, and, during this confusion, a Friend was named to serve as clerk; but the confusion continued to exist. Some said there was a complaint, and some said not; and he was urged strenuously by some to proceed. There was then a proposition made by Benjamin W. Ladd, that it was not the clerk, nor the records, that constituted the Quarterly Meeting, but the representatives and the reports; and if the representatives were there, with the reports, they could hold the Quarterly Meeting, if no others were present. And he proposed that they should withdraw and name a clerk. There appeared an evident division. One party were in favour, and the other were opposed to it. Those whom we supposed to be representatives, although their names had been called, went out, and when they came in, said they had agreed on a Friend; he had been previously named. He approached the table, but the other being at it, he said it was of no great consequence—he could withdraw to the other side. He stepped to the other side, and very soon commenced reading an opening minute. The clerk, as I might say, on our side, was proceeding with the business; and their clerk proceeded—both were sometimes proceeding at the same time, and two or three speaking.

I rose and observed, if the two parties were determined to proceed in their own way, it would be better for one party to do their business first. Another proposed that our clerk should be silent, and then, when they were through, we could do our business, which was done.

*Cross-examination.*—What number withdrew from the meeting? I could not tell, but the larger number withdrew of the men. Was your name called by Jonathan Taylor at the Yearly Meeting? It was not. I was not called on for adjourning the meeting. It had been called before the adjournment, by David Hilles. There was an understanding that your party should keep still, till the others had adjourned? David Hilles was about proceeding, when Elisha Bates said, be still a little time, and we will adjourn and leave you. How did you know that that was the understanding? I understood it, because it was suggested, and no objection made. When I went to the



Yearly Meeting, the general expectation was, that there would be a division, and as a representative on one side, I meant, if there was no obstruction, to get in: but if exertions were required, I should use none. Why did you not offer the report to the old Yearly Meeting? was it because you belonged to the new line? I belong to what is sometimes called the Hicksite party. Did you ever attend a Yearly or Quarterly Meeting, where a question was put and acted upon as that was, in relation to David Hilles? I have been at meetings where propositions were made, and acted on in a similar way, I think very little different. I think, in the case of our new Monthly Meeting, of course there was no new clerk; but after the meeting was assembled, a proposition was made for a Friend to go to the table, and serve the meeting. Do you say, that the uniting was in the same rapid succession? Not altogether, because there were not so many present. I don't think it was as rapid. Was it twice as rapid at the Yearly Meeting? I think it was more than twice as rapid.

Did you ever before know several to speak at once? In our Monthly Meeting, where there has been considerable excitement, I have known as many as three speak at once.

There was a Monthly Meeting in Baltimore, laid down by Baltimore Quarterly Meeting, by the direction of the Yearly Meeting. There was a difference between the Monthly Meetings, as to property. One meeting considered that its rights were infringed upon by the other, and there was a complaint carried up to the Yearly Meeting, for its decision. The Yearly Meeting directed, that the meeting complained of, should place the ground in the same situation that it stood in, previous to the act complained of; and in case of failing to do so, ordered the Quarterly Meeting to lay it down. It is presumed that the Monthly Meeting did not consent? I believe it did not hold to its rights.

I was present at two or three sessions of the Baltimore Yearly Meeting, and at one of the Quarterly Meetings, when that subject was under consideration; but was not present when the Yearly Meeting ordered it to be laid down, nor in the Quarterly Meeting when it was laid down. The dispute was about a burying ground. I was a member of one of the Monthly Meetings at the time, and for a considerable time afterwards, but removed to this state before it was laid down. The Quarterly Meeting acted so far, as to appoint a committee to take the subject under consideration, and the committee reported, that a decision could be had to better satisfaction from the Yearly Meeting, than from the Quarter. Did the Quarterly Meeting unite in the report? and did they direct that the advice of the Yearly Meeting should be requested? (Answer not heard.) The Yearly Meeting gave a decision, and



the judgment was handed down through the Quarterly to the Monthly Meeting. The substance of their decision was, that the Monthly Meetings had equal rights. They persisted in not complying with the decision of the Yearly Meeting, and then the Yearly Meeting ordered the Monthly Meeting to be laid down.

Did you ever know a clerk appointed or elected in a Quarterly or Yearly Meeting of Friends, in the way that David Hilles was? I know of no case nearer than that of Jonathan Taylor, the preceding year. After a clerk had been appointed in the usual way, named by the representatives, and agreed to by the Yearly Meeting, he was indisposed, and did not come to the meeting; it was proposed, as the clerk was not present, that Jonathan Taylor should be appointed in his room, and he took his seat. I cannot state what the minute set forth.

There were no reports from the Hicksite party, delivered to Taylor? I believe not. David Hilles called the representatives from three Quarters, which might be called Hicksite, and those from Redstone Quarter, which was not divided.

*Questioned by Mr. Tappan.*—You have mentioned what Benjamin W. Ladd had to say in your Quarterly Meeting—was he a member of that Quarterly Meeting? He was not. In what character did he appear? I do not recollect that he offered any credentials to distinguish him from any other member. At one of our Quarters, there was a committee attending, but I did not understand that he appeared there, as any thing more than Benjamin W. Ladd.

*John Cleaver affirmed.*—I went to the meeting house about 9 o'clock, after seeing a number of people gathering about the house. The doors were all fast, except one, through which they were passing. I attempted to go in, and was stopped. I asked the reason why I should not go in, as it was raining very hard, and I wished to go in. They said the Indian committee were sitting. I saw a number going in, who were not of that committee: and gave them to understand this. They then said, that the representatives were also going in. I finally told them that there were members going in, who were not members of that committee, nor representatives. They then informed me that it was a conference, and they wished not to be disturbed: but that the doors would be open before ten. As near as I can recollect, about half past 9, I went again, and proclamation was made, at the south-east door, that the doors were open, and all who had a right to go in, might go in; there were perhaps ten or fourteen standing about the door. There was one on each end of each step, and as many as three upon the door-sill, sheltering themselves from the rain. I then attempted to go in, and they asked me

if I was a member. I replied, that I was. They gave way then, and I went up towards the steps. I was again interrogated whether I was a member: but I made no reply. Isaac Walker, a member of the meeting from which I came, called out, and said, "he is a member; let him go in." They gave way, and I moved up till I came to the door-sill. There were three men on the door-sill, and two of them, when I came to the step, collared me, and ordered me to stop, and at the same time ordered the door to be shut, which was then but half-way open. As I had been a considerable time in the rain, and was wet and uncomfortable, I took one under each arm, and before the door was bolted, took them in. In the bustle, they knocked my hat off, and trampled it in the mud considerably. When I got in, they resumed their stand about the door. I heard Isaac Walker call out to one of the guards to let me go. He was coming up the steps. I looked round, and Edward Carroll, from New Lisbon, was in a scuffle with them. He had his great coat on, and two or three, who had hold of him, had nearly pulled it off his shoulders: but he extricated himself, and kept on. I have been informed that he was a member.

Did you ever see a house guarded like that? I never did. I was born a member of the society, and have been a member of Redstone Quarter for about fourteen years. My right of membership was never called in question by either party, for any misconduct whatever.

*The Judge* thought it unnecessary to pursue this species of inquiry any further.

*Mr. Tappan.*—We think it important to establish, that at the Yearly Meeting, each member has equal rights and privileges; that they all stand on a level, a pure democracy. We consider this point a material one in the defence; because we believe the statute law does not extend to any altercation between the members of a religious society, as to the manner of conducting their business. If we establish the position, that the persons complained of, were members of the society, and were entitled to equal rights with any other members of that society, and to equal consideration, respect, and regard, we make it a case where the statute law does not reach them, for any altercation or difference between themselves and other members of the society, with regard to the transaction of their business. And it is with that view of the subject, that we wish to establish clearly and indisputably, the right, to be there, to make motions, to declare their assent to, or dissent from, any proposition in the meeting; and that there was no member, or number of members, or individuals, who had a right to control any of these defendants, or either of them.

*The Judge* thought there was evidence enough upon the subject, and that the discipline of the society must settle the question.

*Mr. Tappan* proceeded with the examination of the witness. A meeting has been spoken of as having been held in a barn? Yes: the meeting house had been burnt, and there was no convenient place to hold a meeting; and it was thought it would be most convenient to hold it in a barn. It was a public meeting for worship. I am personally acquainted with William B. Irish. He is considered to be a member of Redstone Quarterly Meeting.

*Questioned by Mr. Wright.*—Was Elias Hicks at the barn? He was not. Was Amos Peaslee there? Yes. Was there not a conference after the close of the meeting? A number of Friends stopped. Were there any letters read there? I believe not. Was there a letter read there from any quarter? Yes, I believe there was a letter read. Who was it from? I believe it was from Israel French. Was it, or was it not, to invite a conference, to determine how you should conduct your Hicksite affairs? I do not think it was. I think it was not to call a conference for any thing. It was a narration of occurrences, that had transpired at Mount Pleasant. Were there any delegates appointed there, to go to Plainfield? There were, at another place, some Friends nominated to go to Plainfield, to advise upon measures in relation to the disordered state of the society. Was David Hilles there? He was there. He belongs to the same Monthly Meeting, though not to the same Preparative Meeting, that I do. I have understood that David went to Plainfield.

*Rhodes Dilworth affirmed.*—I went to the meeting house somewhere about ten o'clock. I went to the north-east door, and as I was about to go in, John Hoyle, who was standing near the door, said, "Rhodes Dilworth, thee is not permitted in here:" but I went in.

*Samuel Berry affirmed.*—Are you a member of the society of Friends? Yes, I am a member. I was at Mount Pleasant on Second-day morning. I got there about ten o'clock, or near that time. I walked up to the door, and there was a man whom I took to be Isaac Jackson. He told me, "Samuel Berry, thee has no right to come into this house." There were a great many coming up, and pushing forward. I turned away, and went to another door. There were several guards there. The door was full of men. They told me there was no room in the house. The one who spoke, I took to be one who holds to the orthodox side of the question. I did not get in till several were pushed in, and after the guards had left the doors. At the time, I knew of no complaint against me,

I was at the door when there was a nomination of clerk, but I cannot state any thing in particular about it.

Pretty soon I got in, and pushed along in the crowd. I went quietly a considerable distance up the main ile, from the south door. But when the alarm took place they crowded me out door again. I was not much alarmed; all parties were endeavouring to get out.

*Questioned by Mr. Wright.*—Are you a Hicksite? They have called me one ever since the name originated in the society. I was not alarmed, and not scared. I did not think the house was going to fall on me.

*Nathan Galbreath affirmed.*—Are you a member of the society of Friends? I am. I was present at Ohio Yearly Meeting, at the time Israel French made a proposition for a new clerk. I was a representative appointed by New Garden Quarterly Meeting. The meeting was as still at the time when the proposition was made, as at any time before or after; and it was sanctioned by a great number of voices, as many as I ever heard on a similar occasion, or on any occasion. I considered that it was very decided, that the voice of the meeting was in favour of appointing a new clerk.

Did you hear the proposition to appoint David Hilles? I did, and it was also sanctioned by a great number of voices. What prevented his taking his seat as clerk? It was called out for him to come to the table. I could not see him, but I supposed he was prevented by the crowd in the passage where he was coming from. I could tell nothing, only by the crowd moving back and forth. James Heald told him several times, “don’t come here,” (putting his hands out) “I am in possession of this property.” Pretty soon after this, the crowd became so dense that I could not see, for some were upon the benches, and some upon the backs of the benches, so close that I could not see. The old clerk, pretty soon after the proposition for a new clerk, commenced reading. I was with my back toward him. I think he began about the latter part of the assenting to the appointment of David Hilles as clerk. I considered that it disturbed the meeting, as it always does when a proposition is offered before another is decided. Did you ever know a clerk, previous to this, to go on reading, while there was a proposition before the meeting? It may be possible that it was the case in New Garden, where I was, and where the representatives to the Quarter reported another clerk, and the orthodox assented to it; otherwise, I believe, I never saw the like.

Would there probably have been any confusion, if Mr. Taylor had performed the regular duties of his office, according to the order of the society? I do not think there would. Are

you an elder in the meeting to which you belong? I am an elder, and have been a member of the Meeting for Sufferings.

*Cross-examination.*—Are you not under dealings? It would be unprecedented, if a complaint has been offered to any meeting except my own; and there never has been a complaint against me in any Monthly or Preparative Meeting to which I have belonged. The orthodox have left the New Garden Quarterly and Monthly Meetings, and they may have disowned me—they say they have, but I have the records of the Monthly and Quarterly Meetings with me in this building. The overseers came to me before, and made some opposition, and said I had told other members to sit down, and let the meeting act on its own responsibility. They asked me, if I believed in the doctrines of Elias Hicks? I told them, if they would cite any part of the doctrines, I could then answer them. I asked then, of them, what particular part of his doctrines they found fault with, as they were now tested by his printed sermons and letters. They said, they had heard certain things. I asked them to show me what they were; as there were twelve of his sermons then lying on my mantel-piece. They could not refer to any thing, but remarked, that he had said, the Scriptures were a most mischievous thing. They parted with me, saying they were entirely satisfied. A few days after, one of them met me, and told me that a complaint would go against me; but it never has come to the Preparative, Monthly, or any other meeting for discipline.

Was the Preparative Meeting then divided? No. When it did separate, these men went to the orthodox meeting? They went into the old house, and left us. They visited you, according to the usual mode on such occasions, I suppose? They had no complaint. I showed them the discipline, and requested them to show me any thing that I had done, contrary to the order of the society; but they did not show me any thing. How was that Quarter divided, as to numbers? I think it was about equally divided;—when they separated, the most numerous party went off, because they had a great many visitors. I think our meetings would be found about equal. Setting aside the visiting Friends, I do not think the most numerous party did go off. I think there were about one hundred in attendance from other meetings; and throwing them out, we were about equally divided.

How many Monthly Meetings belong to your Quarter? Three. Are all those meetings divided? I think not all. To whom did those meetings report? Our meeting reported to Friends—the others, having orthodox clerks, went the other way. Which way did the representatives go, from New Garden Quarter? The representatives went with the clerks. The

representatives to New Garden Quarterly Meeting, went with the orthodox? The representatives of New Garden Monthly to New Garden Quarterly Meeting did not, but the other two, Carmel and Sandy Spring, retained their reports, and would not give them up to me; therefore, I could say nothing what they would do; and the orthodox part of New Garden Monthly, refused to give up their reports. Then two of the Monthly, and the orthodox part of New Garden Monthly Meeting, reported to the orthodox? Yes.

*James Tolerton affirmed.*—Were you at the Yearly Meeting at Mount Pleasant, when French proposed the appointment of a new clerk? Yes. Was the meeting quiet? I considered it as quiet as common. What was done with that proposition? It was united with by a large majority. Was there any opposition? I think there were two dissenting voices: one said they had a clerk, and the other, that the clerk had better proceed with the business. I think it was after Hilles was nominated. How did the meeting receive that nomination? I think they acceded to it, by as large a majority as I ever heard in a meeting: by perhaps 150 or 200 voices assenting to it.

When a proposition is made, is it not usual to decide it, before you proceed to other business? I understand it to be the orderly method of proceeding—that it should be decided before any thing else is entered upon. Had they done uniting, before Taylor commenced reading? I think it was while they were expressing their unity, that he opened the meeting. The clerk, after reading a minute, read over the names of the representatives, and the reports, till he came to the Redstone report, when Amos E. Kimberly remarked, that that report was not signed by the clerk, but by the assistant. I think their reading created part of the disorder. If that had not taken place, the disorder, I think, would not have been so great. If the old clerk had given way to the meeting, to let the question be decided, I think the confusion would have been less. If I understand, you say the conduct of the clerk was out of order? I think it would not have been orderly for me to do it. Has the clerk of a Yearly Meeting any more power than others? No more. He may give his voice, and then leave it, or I may give my voice, and leave it for the decision of the meeting. He has no more voice than others.

I am clerk to the Monthly and Quarterly Meetings of Salem, and was a representative from that Quarter: and had the reports in my pocket, when Taylor called the representatives. The Friends' representatives did not answer to him.

*Cross-examined.*—You belonged to the Monthly and Quarterly Meetings of Salem before the separation? Yes: but I got uneasy with the conduct, and transferred my right to New



Garden. Did you take a certificate of your membership? No. Did they ask any? No. But I was certificated back to our Monthly Meeting. Did you not set up a new Monthly Meeting? A separation took place, and I was certificated back. To those that continued the old Monthly Meeting? I considered that we constituted the old Monthly Meeting. Was not the old Monthly Meeting in being? Yes; I say it was—we considered that we continued the old Monthly Meeting.

Did you join the same meeting that you left? Yes, if Friends constitute the meeting—the house does not constitute the meeting. The same Friends that I was united to, before I went away, I was united to when I came back. Did you return and unite with the same brethren? Yes.

[A few other questions and answers passed, but they were so rapid and indistinct, that we were at the time unable to understand, or record them, with accuracy—It is believed, however, their omission is not material.]

*Abraham Dilworth affirmed.*—Were you present at the Yearly Meeting, at the time Israel French proposed the appointment of a new clerk? I was. Was the meeting quiet? It was as quiet as usual. How was that proposition received and treated by the meeting? When he made the proposition, a great number of voices united with it as their sentiment. How was it with the nomination of Hilles for clerk? Soon after the proposition to change the clerk was united in, William B. Irish mentioned the name of David Hilles, and it was sanctioned by a great number of voices, and in the same instant the assistant clerk was named and sanctioned, in the same way. About this time, or before, Jonathan Taylor got up, and read, as I supposed, an opening minute. He began to call over the representatives, beginning at Short Creek, although it has been usual heretofore, to call from Redstone first. After going on some time, it was observed that they had a report from Redstone, signed by the assistant clerk; and some one observed, that the representatives did not answer to that, as it was not signed by the clerk. Some were calling out for David Hilles to come to the table; and some voices were heard, saying, they would not have a clerk that would not serve the meeting.

After a while, I saw a company, or several persons, progressing up the passage along the middle of the meeting; and by this time the crowd was considerable. As a number had got on the benches, I stepped up on a bench, and observed, as David Hilles was coming forward, some were standing in front of the table, and some came forward towards the table in the gallery. As the crowd in front seemed to climb still higher, I got upon the tops of the benches, with one foot on each, so that I could see pretty distinctly. There was some pushing



about the table, but I did not observe much till I saw Jacob Richards scrambling over the shoulders of the people. Some pushed him down; others were stooping, whether to help him up or down, I could not tell; but it seems they were bearing him down. I saw him have hold of the bench, and pushing; and I heard a crack distinctly, coming from the back of the bench, and in half a minute there was a general alarm, that the galleries were coming down. It was first said that the gallery over the preachers was coming down; and they appeared to be retreating from that part of the house. Directly it was observed, that the galleries were falling; and as I looked round, under the youth's gallery, they were aiming for the doors. I hallooed as loud as I could, that it was a false alarm; but still they did not pay much attention, but rushed out. The doors were blocked up, so that they could not get out fast enough, and a number dashed through the windows. Some opened a way into the women's apartment.

About this time, I looked at the clerk's table, and the crowd there was considerably less dense than before. I thought that Hilles might then be got to the table. I observed Amos E. Kimberly have hold of the table, partly holding it down; and after some little contest, I saw David Hilles in the preachers' gallery. I observed that he had papers, and a person snatched them out of his hand. Some one close by, seized him, and I saw no more concerning it. The back door was opened, about the same time of the alarm: and I observed, through the door, some orthodox young men, as I considered, have hold of the table, pulling; and some of the other party on the opposite side; and the table went to pieces. Directly after this, I heard some one in the west end of the gallery, saying, we will contend no longer. They repeated the observation, once or twice, and there was a general suspension. Directly after that, I went home.

What was it that created the disorder in the meeting, and the pushing about the table? The most general disorder was occasioned by the alarm. Was it in order, for the clerk to read an opening minute and call the representatives, as it was done in that meeting? I should suppose, while one proposition was before the meeting, it would not be correct to do any other business, according to the usual order of the society. Did it not create confusion? I suppose it did create some disorder; for some were calling out for Hilles to come forward, and stating that the clerk at the table was not the clerk of the meeting; and they would not have one that would not serve the meeting. He could not have got up, without crowding away some of the orthodox. Did you see any who had politeness enough to give way at all? I did not.

*Cross-examination.*—You say the disturbance arose from two

sources; first, from the general alarm; and second, from Taylor's reading the opening minute? Yes. Was the reading of the opening minute previous to Hilles' coming to the table? I did not see Hilles distinctly, till they were going forward; and I heard several call out for the old clerk to leave the table; and one voice called for Taylor to leave the table. Is it in order to submit propositions, before an opening minute is read? And did you ever see a proposition offered and acted on, in a similar manner? I think I have; but it is not general, to see it in so rapid a manner. There are occasionally cases, pretty much like it. Did you know of any of the orthodox uniting in it? I did not. Would there have been any disturbance, if Taylor had been permitted to go on? I cannot say.

*Questioned by Mr. Tappan.*—Do you know any thing about taking down the names of some individuals in the meeting? Between the time that French's proposition was offered to the meeting, and the appointment of Hilles, the names of several were called, and they were ordered out of the house. They called over the names of several that belonged to Concord Monthly Meeting; William Hoyle and others. To what Monthly Meeting do the Hoyles belong? To Smithfield.

*Questioned by Mr. Wright.*—When they were ordered out of the house, were there no reasons given for it? None, at the time their names were called; but they were ordered to go out of the house. Has not any member a right to request a person to go out who has no right in the meeting? The usual practice is, to mention that persons are in the meeting who do not belong; and if they do not go, some one usually goes to them, and requests that they should leave; but I never heard any ordered out in the way practised at Mount Pleasant.

Court adjourned till 9 o'clock to-morrow morning.

*Tuesday the 21st of October, 9 o'clock, A. M.*

*Jehu Lewis affirmed.*—Witness is a member of the society of Friends, and of Redstone Quarterly Meeting, and has been ever since it became a Quarterly Meeting, which was previous to the establishment of Ohio Yearly Meeting, and when it belonged to Baltimore Yearly Meeting. This was the first Quarterly Meeting established west of the mountains, which was about thirty years ago. It consisted of two Monthly Meetings, Westland and Redstone, which were all the meetings established in this state till Redstone became a Quarterly Meeting. In 1801 or 2, Concord was established as a branch of that Quarter, and so on, till Quarters were established in this state, by the Yearly Meeting of Baltimore. After Quarterly Meetings were established in this state, Redstone continued a branch of Baltimore Yearly Meeting till 1817 or 1818, and is now composed of three Monthly Meetings.

*Cross-examined.*—I was at the conference at Plainfield. I do not know that I am able to state the object of the conference. We were informed that a conference was to be held at Plainfield; but I believe that no specific object was stated. We had received information through some source, that a certain part of the society, in this country, were about disowning many of their members; all who could not consent to receive the Indiana epistle, were to be disowned. Friends considered it an unconstitutional ground, and that they had been adopting discipline which they had no right to adopt. Friends were invited to come together to consult, and to see what would be the best measures to take to maintain our rights: but I never heard of any thing like infringement on the rights of others in any conference, nor a sentiment dropped in any conference, with a view to encourage an infringement of the rights of any of the members of the society. This was the object of the conference, according to my understanding.

Was there any thing said about the appointment of a clerk, at any of your conferences? At the school house in Mount Pleasant, I think it was represented that measures had been taken to keep a certain part of the society out of the house, and perhaps a division would take place; and if so, it would be necessary to have a clerk. David Hilles was mentioned as a suitable person, in case it should be found necessary. I think another name was mentioned. I was not named as assistant clerk. I heard nothing of it. Was David Hilles there? I think he was. Did he make any objection to being clerk? I think he did. There was no conclusion come to. Were you a representative from Redstone Quarter? I was. And you refused to answer to Jonathan Taylor's call, and answered to the other clerk? I did. How many representatives were appointed from your Quarter? Eight. How many answered to Taylor? I think five answered to Taylor, and one of them afterwards answered to Hilles. Joel Oxley was the one that answered to Taylor. There is no division in Redstone Quarter.

Were you at the conference in the barn? I was. I know of no letter being read there. I think that John Cleaver's memory failed him. I think I can state positively, that none was read. I do not recollect any thing in the shape of a letter.

Do you know where Elias Hicks, Amos Peaslee, and Halliday Jackson, had their lodgings during the Yearly Meeting? Some of them made their home at Israel French's, but Halliday Jackson did not. I came into Mount Pleasant on Seventh-day afternoon, and was informed that the members of the select meeting had been locked out, and among others, the representatives from Redstone select meeting to the Yearly Meeting; and that they had to hold their meeting out doors in the yard. From this we presumed we should be excluded. It was reasonable to expect that like measures would be taken

on Second-day, to keep all out who did not think with them. There were several things talked of at the school house, but nothing agreed to, but to go to the meeting house at the usual time. This was mentioned by some one present—if we were locked out of the house, that we should use no violence, but wait quietly in the yard till the members were pretty generally assembled, and then determine what course to pursue. I believe no other agreement was come to.

*Questioned by Mr. Tappan.*—Is Israel French a member of the society? I believe he is. I never knew his character impeached. I never knew but Friends had liberty to put up with their friends. It has been the practice, heretofore, to put up where convenience suited. Then Friends have not been considered as under any obligation to go to a tavern? Not as I have ever known. Was there any agreement that a new clerk should be elected? Not that I know of. I did not understand any such thing. It was contemplated, that we should be shut out of the house, and that there would probably be a division: and if so, that we should want a clerk. It was not determined on? No agreement was come to. I do not recollect any. It appeared to be the settled conclusion, to go on at the usual time, and if shut out, then to conclude what to do.

*Questioned by Mr. Wright.*—There were several things proposed, in case the orthodox did so and so? Several propositions were made; but it was finally concluded, that we could come to no agreement, till we knew what the orthodox would do. And, therefore, we did not come to any agreement. And you left the conference, impressed with the idea that there was no agreement, or understanding, but to go on at the usual hour? Yes. But if shut out, you concluded to act in concert with others who were shut out—but if let in? I had nothing in my mind, farther than to go there. I had not come to any conclusion. I was not prevented from entering. I was not an eye-witness, that any were rejected who had a right. After I got into the house, there was no consultation upon measures, that I know of. I do not know that I ever knew a question carried as that was: although I have often known questions carried with great eagerness. The voice of approbation was very great. How much time passed, after the proposition by French, before the nomination of Hilles? I think not much time, between the uniting with that proposition, and the nomination. All that we could tell, was by the voice of the people: and it appeared to be carried by a large voice. We do not expect that every body will speak. I think, as near as I can recollect, after the nomination of David Hilles, and while the voice was going in favour of it, the opening minute was read, and the clerks went on to read. Was not the opening minute read between the time of French's proposition, and the nomi-

nation of David Hilles? I think it was about the time David Hilles was named. I was not prevented from going in. I went in alone, I think about twenty minutes before 10 o'clock. I went to one door, and the guards were standing there, contending with somebody, and I went to another door, and entered without any interruption.

*Questioned by Mr. Tappan.*—Do you not know, that there had been a conference of the orthodox on Saturday? I know that they had a select meeting on Seventh-day, which is according to discipline. Do you know of any being present, not ministers and elders? It was their meeting. Who were the select members from your Quarter, that were locked out? Joseph Johns, Elizabeth Mills, and Mary Hall. Do you know any thing of a meeting on the 27th? I knew there was to be a meeting. My understanding was, that each Yearly Meeting was invited to appoint a committee, to meet in general conference at such place as they should appoint. But this measure was not united in, by our Yearly Meeting. There was a very considerable opposition to the appointment of such a committee. When French made his proposition, was the meeting in order? I considered it so. It was quiet. There had been some bustle, a little before: but I was back, and did not see it. It was as still as could be expected, in so large a crowd.

*Joseph Hoyle affirmed.*—Are you a member of the society of Friends? I am a member of Smithfield Monthly Meeting. (Here the witness related the circumstances of a case, in which the clerk of a Monthly Meeting had been removed by the meeting, and his place filled by another, although the clerk was in his place at the time, and had not been previously under dealing.) It was announced to the meeting by an individual, that the clerk was disqualified, and a new one was immediately named and approved: He went up, and took his seat, and the old one went out of the house. I should suppose it was from ten to thirteen years ago. I could mention the name of the old clerk, if necessary.

*Mr. Wright.*—Give the name. Robert Ritchie was the old clerk. Who was the new one? I do not remember; but he was appointed, and a minute entered.

*Questioned by Mr. Tappan.*—Do you know any thing of a conference, held at Smithfield? The first conference that I recollect, was at Smithfield. There were present several members, and some who were not members. The leading object seemed to be, that such as were on the Hicksite side, should be kept out of the meeting, and that the law should be put in force. I had not then come out. My views were not known. Benjamin W. Ladd seemed to insist, that the civil law should be put in force, to keep such out of the meeting house. I ob-

jected to it, as being contrary to our discipline. It was proposed by Ladd; he told me, that he had been at Stillwater, and that he met with considerable opposition, from those of the Hicksite side: and that there was no other way, but to put the law in force, and to keep the Hicksites out of the house. I do not recollect that he stated any thing about barring the doors. After about two hours, they broke up, without agreeing on any thing. It all went to nothing.

*Cross-examined.*—Where was that conference held? It was held at William Blackiston's store, in Smithfield. Was any effort made to get a select party there, to attend this conference of the orthodox? I was there. My sentiments were not known. They thought I was orthodox. They wished to put me forward in the society; and one Friend said, that he would rather give me ten dollars, than that I should turn on the other side. But it did not make much impression on me. At the Monthly Meeting before spoken of, Robert Ritchie left the chair. It was not known to the meeting what he had done. Do not the members of the Monthly Meeting know which of the members of that Monthly Meeting are under dealing? It had not come to the knowledge of the meeting, being a thing that had lately happened. I did not know, and I heard a great many after meeting, wishing to know what had disqualified him. He left the chair. I think I learned what it was afterwards. It was drinking to excess. There had been no complaint entered, in any meeting for discipline. Had any committee waited on him? I believe not any.

*Jonathan Pierce affirmed.*—Are you a member of the society of Friends? I am. Were you at the Yearly Meeting? I was. Did you see any body obstructed in entering the meeting? I saw a number obstructed at the door; I was not obstructed, because I had made a contract with the orthodox, the evening before, that I should not be interrupted; but I saw a number obstructed, and I believe John Cleaver was one. After I got in, I was not satisfied, as I saw considerable obstruction at the men's door, and thought it might be the case at the women's door.

I went round to the west end of the house, and saw a great many women standing out in the rain and mud. My wife was standing on the door-sill; she beckoned to me, and said she had been repulsed twice by men, who said, that she had no right to be admitted. I went and informed several men, and we went round. I saw several women repulsed, though I was not acquainted with them. We waited a reasonable time, to see whether they would let them in or not. At length several of us took a walk round, and asked them by what authority they kept the women out in the mud and rain. They said they did not wish to keep any out, except those who were not mem-

bers. I told them that they had done it, and that my wife was one of the number. One woman, as I came up, was pushed off the door-sill, nearly down on the ground. I told them the women should go in, and spoke in pretty positive terms. I spoke to one woman, who had once lived in our family, and told her, she ought to know better than to keep my wife out, who had as good a right as she, or any one of the rest. About this time, eight or ten went in. I then turned, and went to the other end of the house, and when I came to the door many were trying to get in. S—— D—— was trying to get in; he was a member himself, and his grandson assisted.

At about this time I heard David Hilles called for; I went to David, and told him, he was requested to come to the table; that there was an inquiry for him. David said it was impossible to get to the table, there was so great a crowd. I told him we would endeavour to make way for him. I requested the people to give way, and they did so, till we came near the stove. There the crowd was so dense, and the opposition so great, that we stopped; while I stood there, I saw some people very much pulled about. I did not know which party they were of.

Being acquainted with Amos E. Kimberly, I thought I could persuade him to desist, as I had had a conversation with him before I left home. I pushed up, although there was considerable opposition, as many as three having hold of me at once, and at length got up where I could speak to Amos. About this time they said the galleries were coming down, and many retreated. I remonstrated with Kimberly about giving up the table. I told him, that his party had become the aggressors, that they had pushed females out in the rain, and that my wife was among the number. He said, they would not give up the table while they were able to hang to it. Soon after, several had hold of it, and among the rest a young man by the name of Flanner. Some one had hold of my coat tail, and I took hold of the table. Some one on my left hand asked me what my name was. I told him what it was, and where I lived. I then asked him his name. He said it was none of my business. I told them they were orthodox, and the table was soon pulled to pieces.

*Cross-examination.*—When the table was broken, did not a part stick to your hands? No. You were determined not to surrender at the first jerk at your coat tail? That is your construction, said the witness. Do you know of any of your party having a part of the table? I do not, except the drawer, after the table was broken. I advanced through the ile without much opposition, except by three men, John Heald, Jonathan Stanley, and Nathan Heald. What was your object? I wanted



to get within speaking distance of Amos E. Kimberly. I made use of no force other than I would use in any dense crowd. I intended to use so much force as to get through the crowd peaceably if I could, and not without. Did you not advance with a determination to get to the table by force? No, I did not. What do you mean by force then? I meant to use so much force as to take me up peaceably to the table. But suppose that men were knowingly and designedly opposing your advance? It was not my intention, I say, to force my way. What were you doing at the time they were pulling your coat? When somebody liked to have pulled me down, I reached over toward the table to keep from being pulled down. I did not take hold of the table till my coat was seized. I had hold of the banister with one hand.

How did you make your way through this thick crowd? I opened the way with my hands, as I would in going to my seat in the meeting house. I do not know that I pushed any aside; but it would bother John C. Wright himself to remember all the minutiae. Do you belong to the same Monthly Meeting with D——, and do you not know that he was under dealing? I may have heard that he was under dealing; it was possible, but I cannot tell. That was not the reason given for keeping him out of the house. I did not inquire of the guards who obstructed him. I went in to make way for the old man —. I told them to make way, and let him in. I had no partiality for one man more than another; for when in the gallery, Thomas Shillitoe came along, and as I pushed back, and said let the old man come, he looked up and told me not to give way a jot, and I told him I would not till orthodoxy was put down. Why did you go out of the meeting so soon after you first entered? I went out because I thought the women might be treated in the same way that I saw some of the men treated.

I saw them opposing doctor Isaac Lamborn, a member of Baltimore Yearly Meeting. I saw several have hold of him. I never attended a Yearly Meeting before, where there were guards at the doors; the object of guards, as I have considered it, is to persuade persons who are not members, not to intrude. And if you had been appointed a guard, you would not have performed your duty? I would not stand guard to a meeting house. Not even if you had been appointed? No. Did you know of any persons being kept out, unless they had been disowned? Doctor Isaac Lamborn was opposed because he belonged to Baltimore Yearly Meeting; that was the only reason I heard offered. He told me himself, that he was a member of that meeting. I do not know that I can mention any other who was kept out, except John Cleaver. But Cleaver and D——, did enter the house? I believe they did.

Did you use any threats to the guards, to induce them to

give way? I do not know that I did. Did you not use threats to the guards at the women's door? I said that the women must go in—I merely put out my hands, and said, these women must go in, for they have a good right in: there were perhaps four or six, standing as guards at the women's door; they admitted some, and rejected others. I never knew a woman's guard before; nor a man's guard at the women's door. I have seen individuals stationed near the door, and if any persons offered to go in, who had not a right, they would go to them, and persuade them otherwise. Was not the meeting on Second-day a meeting for discipline? Yes.

*Caleb Kirk affirmed.*—Witness stated, that he was at the Yearly Meeting on the day of the commencement of business. He made an estimate of the men remaining after the orthodox withdrew, and he thought there were about six hundred.

*Cross-examination.*—It was after the body of the orthodox went away. I knew of but one remaining of that party. I knew of none present, who were not members. I was not disowned, but was under dealing. I think I had a right to be there, when it was undertaken to deal with me only under a spurious discipline. I was not under dealing, according to the established discipline, and I think I had a right to be there.

Did you ever know a case, in which a man would have a right to force his way, contrary to discipline? I don't know that I have. I made my objection to the meeting, and they said they were acting according to discipline, but some part of the meeting thought otherwise. The decision of the orthodox party was to proceed against me. Was there a division? There was no division, only in sentiment. Did you not hear the minute read? I was not there when the decision was made. Does not the discipline state, that members under dealing are not to be admitted to a seat? Yes, but they ought not to be under dealing without a violation of discipline. After this time, and when you made your statement, did you receive a testimony of disownment? Last week I did. The complaint was perhaps two months ago. The trial did not take place till since the Yearly Meeting. I was informed of my right to appeal, but have not yet appealed.

*Questioned by Mr. Tappan.*—Were you served with a testimony of disownment? Yes. Witness produced the testimony, but it was not read. The Monthly Meeting to which I belong, is now divided into two Monthly Meetings.

*Cross-examination.*—I belong to Smithfield. Have they not set up a new Monthly Meeting there? Yes. When was their first meeting held? Yesterday. I cannot tell what number constituted the Monthly Meeting before the division, nor how many were there yesterday. How many do you suppose were there yesterday? I presume not more than a dozen males, and

about as many females. How many do you think there were in the Monthly Meeting before the division—were there sixty or seventy families? There may have been sixty, within the limits of the Monthly Meeting before the division.

*William Dilworth recalled.*—Witness stated that he heard a person cry out, huzza for Jackson. It was a black man, by the name of Thomas Nelson. He went away with the orthodox. I believe he is a Jackson man; he was when he lived with me. He was in the gallery at the time, directly behind me. Was there a rush out of the house previous to Dr. Judkins giving the alarm that the galleries were falling? I think there was not.

*Israel French affirmed.*—Did you attend the last Yearly Meeting at Mount Pleasant? I did. Are you a member of the society of Friends? I am a member. You made a proposition in relation to displacing the old clerk; was the meeting quiet at that time? I thought so; as much so as at any other time. What was that proposition? I will give the words as nearly as I can. I stated that a painful duty devolved on me, to object to the clerks at the table; that their conduct since last year had been such, as in my opinion had disqualified them for serving the meeting acceptably. Did you say clerk or clerks? I said clerks. How was it received by the meeting? It appeared to be approved by a large number of voices. Is it usual for any proposition to be more united in than that was? I think not. Much inquiry has been had here as to concert and agreement—was there an understanding that this proposition should be made? No—I am free to say that I knew of no concert. It was made from my own sense of duty.

*Cross-examination.*—Did you state that the clerks were disqualified to serve the meeting acceptably, or even to open it? My objections were divers: I considered that Jonathan Taylor had attached himself to a party in the society, which appeared to me to be a small minority in the United States; and that party had put a course of measures into operation to exclude a majority from membership; and he was active in those measures. I felt aggrieved at it, and also with his conduct the day previous, of which I had been informed. I was not present, but I had it from such evidence as I could believe. I considered Amos Peaslee a regular and approved minister of the society of Friends; and I considered that our discipline had been violated by Jonathan Taylor, in opposing Amos Peaslee.

I belong to the same Monthly and Prepartive Meeting to which he belongs: and as to that transaction, there had not been time, as in some other cases, to speak to him on the subject. I had previously had conversations with him, and had written to him, endeavouring to persuade him to keep out of

party spirit. I do not wish to belong to any party. My testimony has been against party spirit. My sentiments are in accordance with those that are termed the other party. Had you no conversation with any body in relation to making that proposition? I believe I had not. I do not recollect that a proposition had ever been made that the clerk should be objected to. It is difficult to recollect all the conversations that have passed. I have talked with many of my neighbours on the subject, and we thought that members in office should serve the meeting. For a considerable time previous, we had exchanged sentiments, but I cannot identify any particular time. Had you not had a conversation with Halliday Jackson and Amos Peaslee on the subject? I think not. Were they not at the school house? I believe they were, but nothing was talked there about removing the clerk. It was generally believed at the time, that there would be a separation, but we could not tell in what way. The movements of the orthodox Friends had been so mysterious, that we could not tell what course to take. We could not come to any conclusion how to act. It was talked of, that it might be necessary to appoint a new clerk. If we were kept out, we calculated to try to hold a meeting in the yard, or somewhere else. It was mentioned in this way: as the Quarters had all become divided, except Redstone, it would be proper, if a clerk should be necessary, to take him from the undivided Quarter; and David Hilles was thought of as a proper person. His name was mentioned, and I think some others. We thought that Quarter was more upon the ground of Friends' principles than where party spirit had run higher. We thought that Friends there were not so much in party spirit as in some other places. Was it not spoken of as a matter that would happen? We were in hopes that a reconciliation might take place among Friends. Did you advance with Hilles to the table? I did not. Was not the succession of voices, and the manner of uniting, unusual? They were in rather more rapid succession than usual; but I think I have heard them as much so on some occasions. It is generally so on occasions where there is much excitement; I have heard as many, but it is not usual in the society in times of peace and quiet. We have not had such turbulent times till within a few years past. Was there time for the meeting to pause and reflect? At first it appeared to be in a rapid way, as has been mentioned; and when this subsided, there were a number of voices, one by one, till it rather died away; and then the proposition for David Hilles to be clerk was made. That was united in; but before the voices were fairly uttered, and at the time when the expression of sentiment appeared to be in favour of David Hilles, I think one person in the gallery observed, we have a clerk; and another said, go on, and open the

meeting. At this juncture I think it was that the clerk rose to go on, giving no time for a decision of the question. He went on to open the meeting, over the heads of those who had united.

It is fixed on my mind, that it was after David Hilles was named and united in, by this union of voices, that Taylor proceeded to open the meeting. Did any of the orthodox unite in these propositions? I could not tell, in looking over so large a meeting, many of whom were strangers; but I did not get the idea that any of the orthodox party united. When Hilles was nominated, I think all that I heard in opposition, was one voice, saying, we have a clerk; and another one, or two, said, go on with the business.

What were the objections to Amos E. Kimberly? They were pretty much of the same character as those against Taylor. I attended a meeting where he was, at which meeting Elisha Dawson and Amos Peaslee also attended. He got up at the close of the meeting, and said the meeting had been imposed on, and intruded on, by those from another society. He said he had no unity with them, nor with their preaching: whilst I believed it to be the gospel, and that they were in unity with our society. They are Hicksites I suppose? I do not know that they acknowledge themselves Hicksites. One thing I know, that they have been shut out of meeting houses by the orthodox. I do not think they are opposed to any body: but are disposed to spread the power of the gospel among mankind. I heard one of them say, that he liked a good orthodox, better than a bad Hicksite. They had attended what has been called the Hicksite meeting in Philadelphia; and that is all the charge I have heard brought against them. I know that the orthodox oppose them. Are they received and understood by the Hicksite party to oppose the orthodox, and to agree with the Hicksites? They are willing to go to every part of the society, and they do go where they are received. I do not know of their opposing the orthodox party. I believe they defend what they think to be the principles of the society: and I received them as gospel ministers. I received them as uniting with those with whom I have been associated since the unhappy difference. They are received by us as belonging to the society of Friends: and I have never known them to be objected to by any on our side. They both told me, that for a long time, they had been claimed by both sides, till they attended the Yearly Meeting in Philadelphia. There might have been objections before; but that was the first complaint against them. Are they not received by the Hicksite party, as if they were of that party? I suppose they are. I know nothing to the contrary; and we are willing to have them.

*Questioned by Mr. Tappan.*—At the time Hicks and Peaslee came to this country, had it been determined in the Yearly Meeting of Ohio, which Yearly Meeting in Philadelphia they would recognise? Not that I know of. Could there be an attempt made to bring a meeting to order but by stopping them? I know of no other way. It is my impression, that the clerk went on before the close of the uniting in the appointment of David Hilles.

*Elisha Bates called again. Question by Mr. Tappan.*—How long have you been acquainted with Israel French? [This question was objected to by counsel for the prosecution, as being irrelevant.]

*The Judge* said that the character of French had not been impeached, and until it was attacked, it was improper to introduce evidence in favour of it.

*Mr. Tappan* said he asked the question, because, in the examination of Benjamin W. Ladd, in answer to an interrogation, whether one question was not usually settled before another was taken up in the meeting, he said it was, if the proposition was made by a member of any weight: and the object of this question was, to show that French was a man of high standing in the society. But if this be admitted, it is sufficient.

*Mr. Goodnow* said, they had not endeavoured to impeach the standing of Mr. French, as a member of the society, or a gentleman of veracity. He therefore thought there were no grounds for this inquiry. If it were made in relation to French, it might be important as to every other member of the society who had taken a part in this affair. His honour would see that it would open a wide door: and Mr. G. thought it incorrect. If correct, he should not object, because he did not think it important.

The question was waived.

*Elisha Bates, in continuation.*—Mr. Tappan exhibited to the witness the printed minutes of the Ohio Yearly Meeting. Witness stated that the minutes had been printed for a number of years past, but not always upon the same plan. They had been sometimes published at large, and sometimes abridged.

*Mr. Tappan.*—We want to know if these are the minutes, as they purport to be, of Ohio Yearly Meeting: is that your type, and was this printed at your office? I believe it was printed at my office. Was there not a meeting previous to First-day, by that part of the members of the society of Friends with whom you act, and whom we call orthodox? Was there not a conference upon the subject of the ensuing Yearly Meeting? Not that I know of, except the conference of the general committee of committees from the Yearly Meetings. That was held on Fifth-day. I was there a short time, but do

not know what was determined at that meeting. The objects of this general committee were not defined. It was called in consequence of an invitation from our Yearly Meeting to all the Yearly Meetings in the world. Indiana, Carolina, New-England, &c. appointed committees. The Yearly Meeting in Ireland, entered into the measure, but did not send delegates. There was nothing said about excluding Hicksites, in that or any other meeting that I ever attended. I say clearly and decidedly there never was. Did all those strangers belonging to the orthodox attend on Second-day? I presume most of them did. They withdrew with us from the meeting. It is my impression, though I am not positive, that they all withdrew, and that they continued to attend with us.

*Questioned by Mr. Wright.*—Are you positive as to the time when Jonathan Taylor began to read? I am not very positive. I think he read the opening minute after Israel French made the proposition. I think, but am not positive, that it was before David Hilles was named. Did you see Dr. Carroll and Jonathan Pierce advancing? I don't think I did. I saw Carroll, after the pressure had been made, standing upon one of the raised seats in the lower part of the ministers' gallery. As to filling the ministers' gallery, did any thing unusual take place? There was nothing unusual. At the time when the Indian committee rose, and the doors were opened for the admission of the members generally, I think the representatives, and the committee on Indian concerns, and the members of the general committee from the different Yearly Meetings, and some ministers, were there, with their companions attending. I think the number of men was about a hundred; and they took such seats as it is usual for such persons to occupy. Have you stated the number of persons that remained after the separation took place? I did state, that, from the best observation that I could make, those in the meeting on Third-day, when I made a demand for the house, were about one-fourth of the whole, or one to three of the meeting held in the yard.

*Questioned by Mr. Tappan.*—Were there any persons in the yard who were not members? I did not know of any, except when I went to go into the house, some came rather out of the door into the yard. I know of no others that were in the yard. The committee on Indian affairs were in the house, were they? Yes; and the representatives and door-keepers were in the other apartment; and when the committee arose, a message was sent about the same time, that the committee had concluded to rise and open the doors, requested that the doors might be opened. The representatives were in the house, sitting with closed shutters, and as soon as they knew that the committee had adjourned, they came in and took



their seats. Do you not know that it had been determined to exclude certain members of the society? I believe I was not with the committee of door-keepers; but I know it is a sentiment that has long prevailed, that those who are disowned, or in any way under dealing, have no right to be admitted. If they had been disowned on any ground, it was your opinion, that they should be excluded from admittance? Not from the mere matter of disownment.

*Questioned by Mr. Wright.*—Witness never saw a Yearly Meeting at that place without the steps being crowded, and some old men, being hard of hearing, were in the practice of taking their seats on the steps. He had seen persons take their seats on the steps a considerable time before meeting opened.

*Questioned by Mr. Hubbard.*—Is it customary to fill the galleries and high seats, as in this instance? Did you ever before know persons to get seated, as in this instance? There were a large number from other Yearly Meetings, who took their seats; perhaps something like thirty men; the high seats were not exclusively occupied by orthodox. I saw Israel Updegraff there, and I think I saw him endeavour to push a Friend off the steps in the early part of the contest.

*David Steer recalled by the prosecutors.*—Witness stated, that he did not refuse John Smith admission into the house, nor did he recollect seeing him that day. He was positive that he did not stop him.

*Questioned by Mr. Tappan.*—Did you not attempt to stop him, or did you not put your hands across the door? I did not see him that day. I allude to John Smith, of Flushing Monthly, and Short Creek Quarterly Meeting.

*Dr. William Judkins affirmed, for the prosecution.*—Were you at the Yearly Meeting? I was. We wish to know if you raised the alarm that the galleries were falling? I did not raise any alarm, to my recollection. I had no idea connected with the falling of the galleries; for I was in a situation, where it was impossible to see the galleries, or the railing around them; and my attention was so taken up, that I had not the most distant idea of such a thing. It had not come into my imagination, till I heard the alarm above: but, after I heard it, and the crowd was rushing down, I might have mentioned it. Do you recollect seeing William Dilworth on the stairs, at the time of the alarm? I was knocked out of the window from the stair steps, in a minute's time after the alarm was given. I heard a board crack, or something of the kind, and some one called out, the galleries are falling, and in a moment, the crowd was coming down upon us, and carried me out of the window. I was standing on the steps, and had been most of the time previous to the alarm.

*Cross-examination.*—Did you not say that the railing was

sprung? I went to the place, on the day before yesterday, and I find, from the position which I had occupied, I could have seen neither the galleries, nor the railing; it might have been mentioned, as they were rushing down upon me—it is possible I might have said, the galleries are falling. When the crack was heard, the alarm was instantaneous. If there had been no voice connected with the crack, I should not have taken it for any thing serious. I was pushed out instantly, and had my hand cut with the glass of the window. Did you jump out? I did not jump; I think I was pushed out, by the crowd coming down. Did you light upon your feet? I had a cloak on, and as I was going down, some of the crowd stepped upon it, so that it was drawn nearly off, before it gave way, and when it slipped, I came down, cloak and all together.

*James Heald affirmed.*—I was at the Yearly Meeting, and was placed in the station of guard, by the trustees of the property of the Yearly Meeting. I do not know that they gave me any special direction. My business was to take care of the house, and see that it was not injured.

*Questioned by Mr. Tappan.*—Did you stay in the house all night previous to Second-day morning? I did, with a little exception, while I took supper. How many were with you? I think there were twelve or fourteen, perhaps sixteen. What was the object? was it to keep the Hicksites from breaking in, and taking forcible possession? Yes. You meant to keep possession for the orthodox? We meant to keep possession for the society of Friends. Then you call the orthodox, the society of Friends? (Here, the witness appearing to hesitate, Mr. Wright told him to say, *Yes* or *No*, and the witness answered, *No*.) Do you consider the orthodox, as the society, or not? Not exclusively. I include all that are not regularly disowned or on the minutes of the meeting, according to discipline. How did you know who were on the minutes of other meetings than your own? I did not know, I did not expect to exclude those that I did not know. Whom were you ordered to exclude? Such as I have mentioned, such as were disowned, or under dealing, and such as never had a right in the meeting. Had you a list of all these? I had a list from our Monthly Meeting, but not from the other meetings.

You made proclamation in the meeting, that you were the owner of the house? I do not recollect making a proclamation, that I owned the house. Who were the trustees, or men, who put you in charge of the house? Jonathan Taylor and James Kinsey. Did you exclude James Tolerton, or prevent his entering the house? I did not stand at the door myself; being put in possession of the property, I left the door. Did you order James Tolerton out? I do not recollect saying any thing to him. Did you stay, through the whole sitting of

the Yearly Meeting? Yes, I stuck by it. Did you ever know a meeting house garrisoned on any former occasion? No. Did you stay there all night, during the sitting of the Yearly Meeting? No, I did not, after First-day night. What instruction did the trustees give you? I have answered that before—they gave me no instruction.

*Jonathan Taylor recalled. Questioned by Mr. Wright.*—Can you tell who it was that opened the door in the gallery? I am pretty positive it was Jacob Richards. When Isaac James was getting over the railing, into the ministers' gallery, Benjamin W. Ladd may have pushed him a little, but I do not think it was very forcibly. If he had attempted to force him down, I think I should have seen it. As well as I can recollect, after the short pause which has been mentioned, I began to prepare my papers, and while in that act, Israel French made a proposition, and I believe, whilst they were speaking on that subject, I proceeded to read the opening minute. I think it was before Hilles was named that I read the opening minute, and went on to call the representatives; but perhaps, before I was through calling the representatives, they went on with that proposition.

Was there any request or proposition for you to surrender, to give up the papers, or for the meeting to come to order? I believe I should not have withdrawn from the table, if Israel French or any of those people had requested me to go from it. If the meeting had taken up the subject, and decided it was proper for me to leave the table, I should have done it. Are you one of the grantees of the Yearly Meeting property? I am.

*Questioned by Mr. Hubbard.*—I know that I commenced reading the opening minute before I heard the sound of Hilles' name. There was a conference, or committee from the different Yearly Meetings on this continent. There were two or three meetings of that committee at Mount Pleasant Yearly Meeting house. There was no understanding, other than has been stated to this court with regard to those persons who were disowned, or under dealing—that it would be proper they should be kept out. At what meeting was it resolved to garrison the meeting house over night? It was at no meeting, further than a few individuals, who thought it would be best. I believe I was one, and Elisha Bates another. Was Benjamin W. Ladd one? I can't tell, but I expect he was in unity with it. From previous conduct, we supposed the house would be broken open. Have you any knowledge of the Hicksites ever attempting to bar others out? I do not know that I have ever seen or heard any thing of the kind. Has it not been the case on the other side? I never knew an instance where members of the society have been excluded, unless they

were disowned, or under dealing. Where this division extends through the Quarterly and Monthly Meetings, so that they have separate meetings, are not those who do not meet with the orthodox, pretty generally excluded? I believe not, except they have been disowned by their own meetings.

At the time the meeting house was garrisoned, it was not expected there would be an attack? It was strongly suspected. Although you had never known an instance of attack? Yes. Was it not in order to have possession, and to keep out the other party? That was not my understanding.

Court adjourned till 2 o'clock.

*Tuesday, October 21st, 2 o'clock, P. M.*

*The examination of Jonathan Taylor continued by defendants' counsel.* Witness is positive, that it was Jacob Richards who opened the door. He saw nobody else put a hand there, but him. He was near by, and with his back to the door. Richards came over his left side. Is not positive that some other might not have taken hold of it. Cannot be positive whether it was before or after the alarm. Witness was alarmed for the moment, but it was soon over. He was not out of the house, to see how many there were outside. The alarm appeared to be pretty general. Did you not know that the kneeling board was broken or cracked? No, I did not—I took it to be a board nailed to the back of the second seat. Witness did not recollect hearing any thing of the kind in the gallery. He believes the discipline provides that members shall not sue one another, and go to law. He thinks David Hilles was a regular member of the society, at the time this suit was brought. Do you know whether this suit is carried on at the expense of the witnesses? I know nothing about any regulation in relation to the costs. Did the representatives from all the Quarters answer to your call? Yes, from all the Quarters. I think there were five from Redstone.

*Benjamin W. Ladd recalled by counsel for the prosecution.—The Judge* wished to know what was to be proved by this witness.

*Mr. Wright* said, the object was to show from the records of the meeting, that the representatives called by Taylor were the proper delegates from their respective Quarters, as appeared by the reports from the Quarters, which had been adopted by the meeting.

*The Judge* did not think it necessary to go into testimony upon the subject. It had never been disputed, that all the representatives who appeared, were representatives from those who sent them.

*Witness proceeds.*—Isaac James clambered over the bench rails, and came up near to me. He was the first person who

got into the ministers' gallery. The proposition was made to adjourn, and was united with, by a number of persons, not confining it to the representatives. Then, there was a distinct proposition made, to call over the representatives, to see whether they united or not, after it had been agreed to by a number of voices. I am not clerk of the Meeting for Sufferings, but a member of it. I was one of the committee to visit all the Quarterly Meetings. It had been represented to the Meeting for Sufferings that some opposition had been made to advice from the Meeting for Sufferings, embracing a part of the Indiana epistle, and more particularly to the preface. It was not considered by the Meeting for Sufferings, as discipline, but advice, as it was represented to be. I stated in my evidence, that when Isaac James came to the last raised seat, and got part of his breast over, that I did there meet him, and oppose his coming over, but after he came over, if I put my hands on him, I must have lost my senses—I do not believe that I put my hands on him after he came into the gallery.

According to the settled order of the society, Isaac James had no right to come into the meeting, and much less into the ministers' gallery, being neither a minister nor elder, and being a disowned person. I should suppose, that the constitution and discipline governing the Meeting for Sufferings, would give them power for the appointment of committees to visit the Quarters. Here the witness referred to the 46th and 47th pages of the discipline, and said he could state, in addition to the rules of discipline he referred to, that there were others, which seemed to give a general power to represent the meeting in general, during the recess of the Yearly Meeting; and on a former occasion, committees had been appointed to visit Quarterly Meetings, and it had been approved by the Yearly Meeting. This appointment was some years ago, and the objects of the appointment are stated in the minutes of the Yearly Meeting. I attended as a member of the committee, after the testimony of advice had been sent down, and we heard there was a disposition not to comply with the advice issued by the Meeting for Sufferings.

*Mr. Hubbard* proceeded to explain as follows:—We suppose that when we come to examine the book of discipline, we shall find by the whole construction of the Friends' society over the whole world, it has been a fundamental principle, that there should be existing a unity of religious feeling in all its parts, and in all the various connexions, from the Monthly up to the Yearly Meeting. And such a unity and connexion existed at the time of the Yearly Meeting in 1827; embracing all those members who have been lately turned out, and who have become a separate party. In the year 1827, the Yearly Meeting of Ohio received an epistle from the Yearly Meeting of New

York, at which time these Yearly Meetings were altogether undivided, and this perfect unity still existed.

But after that, owing to some conduct in another part of the United States, the Meeting for Sufferings belonging to Ohio Yearly Meeting, with more zeal than discretion, adopted an epistle, issued by another Yearly Meeting, which goes to destroy the unity existing between this Yearly Meeting and the Yearly Meeting of New York. And what is worse, this same advice is in direct contravention to principles contained in the book of discipline; and being sent round to the Monthly and Quarterly Meetings, where they would not agree to it, it has been the means, in every instance, of destroying that unity which had previously existed among the members of this society, and which is known to have continued till 1827. And many have been thrown overboard, which has produced the division now existing in the society.

*The examination continued.*—Can you state how many ministers and elders attended the select meeting on Seventh-day? About one hundred. Do you not know that others, who did not believe with you, were barred out? None, that had a right to attend, were hindered. Was there no hinderance? None, of any kind whatever. I believe that some of the eighteen who staid out had a perfect right to go in, but there were some who had lost their stations, by the laying down of meetings to which they belonged.

*Questioned by Mr. Wright.*—Are you a member of Smithfield Monthly Meeting? I am. How many members are there belonging to that Monthly Meeting? I think between eighty and ninety families. How many families seceded? I do not know an individual family in Cross Creek Preparative Meeting, but in Smithfield there may be between ten and twenty.

*James M'Brice affirmed.*—Witness was at the Yearly Meeting on Second-day. Was there any opposition to John Cleaver's going into the meeting? There was no opposition made to those who had a right; but some would not go in, unless others could go also, who were in their company. Jonathan Peirce and some others came up in a body, about the time that Cleaver was at the door, and forced us all out of the door. Among those who came up, was Thomas White. He had a large cane or stick, which he held up in an erect position, when he was coming to the door; I think he did not carry it into the house, when he went in.

*Cross-examination.*—I think Cleaver was inquired of, whether he had a right, and it was said that he had a right, and we opened the way; but there were some persons inside, who attempted to shut the door. How did you know who had a right? By those from their own Quarterly Meetings. They were not stopped, except one man. I put my hand on him, to ask him if he had a right. The doors were closed, or at-



tempted to be closed—can you tell the object? I cannot. I do not know that they were barred. Did you not leave guarding the door, to help about the table? I went to the steps—I had not been sitting, during the meeting. And you went there to sit down? I do not know that I went there to sit down; but I went near, because I had a desire to see what was doing. You went out of curiosity? I cannot say that it was curiosity, but I wished to see the movements. Did you strip off your coat, and prepare for battle? I did not.

*William S. Bates affirmed.*—I was not far from William B. Irish. I heard him nominate David Hilles for clerk, and in a short time afterwards, I heard some one unite with the proposition. I turned and asked who it was, and was told that it was William B. Irish. Do you say that you saw him when he united, or did you judge only by the sound of his voice, that he united more than once? I heard him make the nomination, and thought by the sound of the voice, it was the same one, and was told that he was the one.

*Nathan Wood affirmed.*—Were you at the Yearly Meeting on Second-day morning? I was not in, early, but went in when there appeared to be a little pause. Witness saw Joshua Cope unite with some proposition three times; but did not know what it was. He also saw another man unite three times—it was Daniel Burt. He was looking at one, he did it three times; and then another came and inquired what it was, and united with it. Witness supposed it was uniting in a clerk; but did not himself unite, not knowing positively what proposition was before the meeting.

*Elisha Bates again called.*—Have you the care of the Yearly Meeting house? I had, previous to the Yearly Meeting. I was present when the trustees agreed to put James Heald in possession. I know the house had been frequently broken open previous to the Yearly Meeting. Bolts had been broken, and one of the shutters had been repeatedly broken open. I know that a few weeks previous to the Yearly Meeting, I went into the meeting house pretty late in the evening, and I saw two persons come up to the meeting house; they shook the doors, and inquired of me if any additional fastenings had been put to the house—these were the reasons for supposing that they would attempt to break it open.

*Cross-examination.*—There are five trustees; three agreed to it, one is beyond the limits of the Yearly Meeting, and the other is paralytic and disabled. Do you know Daniel Burt? I do. Is he a member of the society? I have never heard of his being disowned.

*Mr. Wright* read in evidence part of the deed of trust.

*John Smith affirmed.*—Were you at the Yearly Meeting? Yes. Was it attempted to prevent your entering the house?



It was. I was prevented by three persons. David Steer was one of them. He reached forward and caught me by the shoulder, and said, "thou hast no right here." What was your reply to him? I had no time to reply, before I was shoved in. I do not know whether Amos Peaslee was there, or not. I think Elisha Dawson was there. The principal opposition was from David Steer. Do you know Daniel Burt? I do. Is he an orthodox member? I am told that he is.

*John Hoyle affirmed.*—According to the witness just up, he must have come to the door; when Peaslee and Dawson came up. Thomas Shillitoe was in supplication. Here witness described the circumstances of a rush into the house at the time Peaslee and others were shoved in. He explained his own position at that time, and the manner in which his hat was squeezed over his face, by Peaslee's passing partly over him. The rush was half-way across the house in a minute; but, said the witness, there was no such talk as has been just mentioned by the last person up, not a word. Witness did not stop Joseph Hoyle, but saw him at a considerable distance, and wished to tell him not to come in; but he pushed through, and came right in.

Here the testimony closed.

#### SPEECH OF JOHN M. GOODNOW, ESQ.

May it please your honour; It is allotted to me, to open the argument, in this case, on the part of the prosecution; and I presume, in opening this argument, it will not be thought amiss for me to consider the subject somewhat at large. The case is a very novel one, and has become very interesting to the community. It is novel, because those persons concerned, either as witnesses on the part of the state, or on the part of the defendants, and the defendants themselves, have heretofore been unused, and almost entire strangers to courts of justice. This circumstance, too, places your honour, as well as the members of the bar who are concerned, in a new attitude, in respect to the matter to be investigated. It is interesting, as it develops, in the course of its proceeding, a division, which, for some time, has been known to exist to a considerable extent, in a society that has for 180 years, near two centuries, existed as an ornament to every community in which it has been located; a society that has been distinguished not only for purity of principles, but as universally for the rectitude of their lives; living and governing themselves almost exclusively without resort to the civil tribunals of the country, settling, in a most amicable manner, according to the rules of their great leader, or Saviour, whom they endeavour to follow in precept and discipline, all disputes which may have arisen in the society; so much so, that it had become a

standing, and invariable rule, in all their society, that to go to law for injuries done to each other with regard to temporal concerns, was sufficient cause for exclusion from the society.

The parties, and when I speak of parties, the gentlemen will understand me, (and I ought here to remark, peradventure I may be misunderstood, except I caution my brethren against receiving, and the court also, any thing other than is intended; for it is evident, and I shall not deny it, that this society is divided into two parties:) I say then, as to these parties, whether they be witnesses for or against the prosecution, or spectators barely, they are highly respectable; and although their testimony may be considered as conflicting, in some instances, I venture to say, it is almost entirely upon matters of opinion, or with regard to the discipline of which they speak, and their views upon the subject, and not in matters of fact. So far it is a pleasant reflection to the court, and all concerned. There is, and will be found, discrepancy as to time, and exaggeration, in some instances, as to facts themselves: but of the main and important transactions testified to, there is nothing to lessen the credit of any of the witnesses.

I say, then, this society, and all concerned, are highly respectable; and the names which are necessary for us, in this investigation, orthodox and Hicksite, are used barely as names of distinction, and are to be taken with no disrespect to either of the parties. I feel it my duty here to remark, with regard to myself, that although I have heretofore had some little discussions with some of the Friends, it was upon one tenet, and one tenet alone, of that society, which has nothing to do in this case. When it has been remarked, that I add nothing to the society, I repel such insinuations with indignation. I stand here on the part of the state, in support of the rights of the society; and I am happy here to say, that I glory in the privilege, both in a religious and political point of view. Were I the umpire, every man should enjoy his opinions unmolested, uninjured, free and absolute, beyond all control. I am bound to say, also, in the introduction of this case, and it must be manifest, and I wish your honour to consider the remark, this suit is not prosecuted from vindictive motives; neither for love of wealth, nor love of power. It is prosecuted solely and entirely to establish the position, whether a religious society, having met according to their usual manner of doing business, are subject to a re-organization, to use the term employed on the other side; whether they are subject to a revolution, by power and force, and that beyond any redress or restoration of their rights.

I have no doubt, sir, that the party who are called the Hicksites, as well as the party called the orthodox, have approached this trial, with pure sentiments, and not with a disposition

existing in their bosoms to create disturbance, to create revolutions and disasters in our community. But it has been known from the earliest ages of our Christian system, and long before, as it respected religious communities, that in the party strifes of religious persons, zeal, frenzy, and heat, are carried to the very highest pitch: and the reason is as apparent as any other by which the human mind is operated. The feelings, principles, and devotional considerations of man, to his Maker, are seated in the heart: they come from the warmest part of the system; and when he feels himself there injured, he feels himself more deeply injured than in any other way. The zeal, therefore, with which either of these parties may have acted, may be a zeal not correctly and judiciously guided.

I shall now consider the state of the question: and shall, in the course of my investigation of this matter, endeavour to consider it in six points of view, or, rather, under six positions.

1. The broad consideration, what is the state of the question before your honour?

2. In the next place, I shall inquire into the ecclesiastical polity of this society.

3. In the third place, were they regularly assembled, within the meaning of the statute, for worship, or duties pertaining to them, as members of a religious society?

4. If so assembled, were they disturbed and molested?

5. By whom were they disturbed?

6. Were these defendants engaged in the disturbance?

I will say now, to prevent misunderstanding, as I shall pass over these different positions, that I may be subject to the reflection, that I have passed over testimony that I ought to have mentioned, as a great part of the testimony has nothing to do with the question now to be decided. I shall, therefore, throughout my whole view, do it rather in the general, leaving it for the counsel on the other side to apply the isolated facts, which they shall consider most conducive to their exculpation. I will therefore read without comment, the 8th article, 3d section, Ohio constitution, (22d vol. Ohio statutes, 24.)

“That all men have a natural and indefeasible right to worship Almighty God according to the dictate of conscience; that no human authority can, in any case whatever, control or interfere with the rights of conscience; that no man shall be compelled to attend, erect, and support any place of worship, or to maintain any ministry against his consent; and that no preference shall ever be given, by law, to any religious society or mode of worship, and no religious test shall be required as a qualification to any office of trust or profit.”

In vain have the framers of our constitution placed this provisional limit, in vain do we refer to it, in vain boast of it, except, by the legislative power of the state, provision has

been made to secure the benefits and rights of conscience to those over whom the government spreads its shield. I consider that the law, under which this act is to be tried, is framed under that section of the constitution.

“If any person or persons shall at any time interrupt or molest any religious society, or any member thereof, or any persons when meeting or met together for the purpose of worship, or performing any duties enjoined on, or appertaining to them, as members of such society, the person or persons so offending, may be arrested on warrant, legally issued, or by the order of some civil officer within the county, on view or hearing,” &c.—(22 *Ohio Statutes*, 196.)

It may be necessary, for one moment, to inquire who are embraced in this section; as constituting a religious society. Although it may not be necessary to the present question, nevertheless it may be necessary, should a doubt exist, whether this society, under these circumstances, and existing by the polity that it does, comes within the meaning of the section I have quoted. My view of it is, that it was intended not only to protect all and every religious society in their public worship and discipline, but that it was to meet the cases or acts not provided for in our other criminal statutes. We have a statute, immediately preceding this, for the punishment of crimes, and another for the punishment of minor offences. There are divers statutes that seem, at first view, to cover the whole ground of evil, that necessarily exists in our civil state: but those in fact, like the one now before the court, were not embraced by any of our statutes. Our legislature had some object in view when they enacted this law. They thought that cases might possibly arise in the state, to which the existing laws did not apply. There were laws against assault and battery, riots, maiming, housebreaking, and against every kind of evil that may be committed towards the community, except some certain immoral practices embraced in this statute; and this, it may be remembered, reaches the case of blasphemy; and it reaches divers other cases, such as nine-pin alleys, billiard playing, &c.;—it was meant to meet all those cases which other laws did not meet. And I cannot imagine a case, myself, in which this section could be applied, and correctly applied, if it be not just such a case as happened at Mount Pleasant. When I say this, I do not say that this statute was intended to meet these defendants. But there was a disturbance; there was a religious society met there for discipline:—there was a disturbance, and some person is wrong; some one has committed a crime which this statute intended to embrace and punish.

To ascertain then, what a religious society is, may be a matter for inquiry. It is, in this case, of vast importance to ascertain what constitutes this religious society. I venture to

say, that our inquiry is directed at large—what will constitute a society? And how we are to know the rules and regulations by which they govern themselves? We have in our community, various denominations of Christians, who have associated themselves together, and established their code of law, and who consider themselves bound as much by that code of law, in the transactions in which they are engaged, as they do by the municipal laws of the land. It is then of no consequence what the society is called: you may call it by the name society, congregation, church, or what you please, and the very idea implies law and regulation—no matter whether that law be a written or an unwritten code. It may be the more difficult, when unwritten, to ascertain what it is; but if it be ascertained, it is the same, whether written or unwritten. It must be consistent with the laws of the state and the constitution. It cannot be binding on individuals, if it be not consistent with the constitution and laws of the state. But their discipline, when conformable to these, is as binding and obligatory as the laws themselves; and when thus constituted, the law does protect them.

I have presented the constitution, which is the paramount rule and protection. Every person is protected in the rights of conscience, and in the right of worshipping, according to his own mind and pleasure. He never could enjoy that privilege unless the laws guaranteed it to him, by protecting him and his associates in any system, no matter what, not inconsistent with those laws. And when they are formed consistently with the statute, it is the duty of the government to protect them, or their right is a nugatory and useless one. It has been supposed by some,—and I was once in a place where I was publicly accused of wishing to blend church and state. Now, it is directly the contrary system which I advocate; for wherever the rights of conscience are protected; wherever civil society secures to any number of individuals their free mode of worship, there the state can never blend itself with the church. There it will never seek to blend itself. It is where religious societies are not protected, that they seek protection under the arm of power. In this instance, they are not seeking protection against the privileges of any other. They are not seeking the arm of the state in reference to any other. But they are seeking protection of equal rights. It is all they ask.

Now we know, to illustrate the position which we have taken, that, till about the close of the third century of the Christian era, and the reign of the Constantines, the church was not connected with the state, and that all difficulties then existing in the Christian church were reconciled among themselves. We know that a diversity of faith and tenets,

did not create a diversity of discipline. It was only where the Constantines seized the power of the bishops, that the Christian society was split. It was then, and it will always be the case, whenever the power of the state undertakes to control the affairs of the church, that a connexion will be formed. Is it not then clear, to every person, who will reflect for a moment, that the protection of every individual in his own way, is the best means possible, to prevent the blending of civil and religious concerns?

And I would observe, since I have alluded to the early state of the Christian church, that we owe a debt of gratitude, that we should never cease to contemplate and remember, to our ancestors. For it is in this country alone, upon the face of this globe, that the rights of conscience are known. It was by that revolution—it was that arm of human power, under the auspices of heaven, which severed our government from that of England, and secured to us our rights. It was by that revolution that the people of this country were restored, not only to their political rights, but to their religious freedom. I wish and desire, and shall pray, while I have the power of prayer, that no decision shall be made, by this or any other court, that shall ever impair these rights. I hope I shall never live long enough to see the day, when an inquisition shall be established, or when any man shall be asked, in a court of justice, before he receives his just due, to what sect or tenet he belongs; whether to the trinity or unity. And I say, the question before the court does not involve the tenets of this people; we have only to do with their discipline. And here let me repeat, that an ecclesiastical polity or system of discipline, to govern a body of Christians, is one thing: it is entirely distinct from their tenets. It is like the regulations of a corporation or association. It is for the management of the temporal concerns of the society. And no society, congregation, or community, can exist, except they have these regulations.

I will then inquire, what is the polity or system of discipline of this society. We must go up to the source, before we can determine the question, whether a religious assembly was there convened. It is necessary to go into the inquiry, what, in fact, constitutes the Yearly Meeting. And to do this, we must mount up to the source of this society, to its first organization, to the foundation stone. For each of those societies which compose this Yearly Meeting, has its officers, has its rules and its regulations—has its distinct code of government, or rather a code of government not distinct from the main body, but has rules by which its affairs are governed. And every branch or subordinate society which helps to con-



stitute this Yearly Meeting, is as distinctly and clearly regulated as any corporation in the community.

In the first place, I will inquire what is a Monthly Meeting; for we have been informed that the Monthly, Quarterly, and Yearly Meetings, are the great bodies of the Quaker community. I would then refer your honour to the first volume of Clarkson, whose work is considered a faithful delineation of the principles and discipline of the society: and as this is a novel subject, perhaps I do not waste time in examining the organization and discipline of this society at large, that we may be more clearly satisfied in the opinions which we already entertain, while we may possibly acquire some ideas that we have not.

“The Quakers usually divide a county into a number of parts, according to the Quaker population of it. In each of these divisions there are usually several meeting houses, and these have their several congregations attached to them. One meeting house, however, in each division, is usually fixed upon for transacting the business of all the congregations that are within it, or for holding their Monthly Courts. The different congregations of the Quakers, or the members of the different particular meetings, which are settled in the northern part of the county, are attached of course to the meeting house which has been fixed upon in the northern division of it, because it gives them the least trouble to repair to it on this occasion. The members of those again which are settled in the southern, or central, or other parts of the county, are attached to that which has been fixed in the southern, or central, or other divisions of it, for the same reason. The different congregations in the northern division of the county appoint, each of them, a set of deputies once a month, which deputies are of both sexes, to repair to the meeting house which has been assigned them. The different congregations, in the southern, central, or other divisions, appoint also, each of them, others, to repair to that which has been assigned them in like manner. These deputies are all of them previously instructed in the matters belonging to the congregations which they respectively represent. At length the day arrives for the Monthly Meeting. The deputies make ready to execute the duties committed to their trust.”—(1 *Clarkson*, 206, 7, 8.)

There are also Preparative Meetings, which are subdivisions of a Monthly Meeting. The court will understand it, more distinctly, by seeing the connexion between the two. And here I will read from the discipline.

“The connexion and subordination of our meetings for discipline are thus: Preparative Meetings are accountable to the Monthly; Monthly to the Quarterly; and Quarterly to the Yearly Meeting: so that if the Yearly Meeting be at any time dissatisfied with the proceedings of any inferior meetings; or a Quarterly Meeting with the proceedings of either of its Monthly Meetings; or a Monthly Meeting with the proceedings of either of its Preparative Meetings; such meetings ought, with readiness and meekness, to render accounts thereof when required; and correct or expunge any of the minutes, according to the direction of the superior meeting.”—(*Book of Discipline of Ohio Y. M.* 28.)

I will now call your attention to Clarkson upon Quarterly Meetings.



“In the same manner as the different congregations in a small division of a county have been shown to have sent deputies to the respective Monthly Meetings within it; so the different Monthly Meetings, in the same county, send each of them deputies to the Quarterly. Two or more of each sex are generally deputed from each Monthly Meeting. These deputies are supposed to have understood, at the Monthly Meeting where they were chosen, all the matters which the discipline required them to know relative to the state and condition of their constituents. Furnished with this knowledge, and instructed moreover by written documents on a variety of subjects, they repair at a proper time to the place of meeting.”—(1 *Clarkson*, 214.)

I also will read from the discipline of the Ohio Yearly Meeting.

“It is directed that a suitable number of Friends be appointed, in each Monthly Meeting, representatives, to attend the service of the Quarterly Meeting, with such reports in writing, signed by the clerk, as may be given them in charge: also, that at least four Friends be appointed for the like service, in each Quarterly Meeting, to attend the Yearly Meeting. And it is earnestly advised and desired, that all Friends who submit to these important services, may be punctual in their attendance; or if prevented by sickness, or any other unavoidable occurrence, that they be careful to send information thereof; also, that those who are under appointments to attend meetings as representatives, do not withdraw therefrom before the conclusion of such meetings, without obtaining the consent thereof.”—(*Book of Discipline*, 30, 31.)

This shows the chain of supervisory power in each superior, over the subordinate meetings. And to show that the system is a full and complete system of civil government, with respect to themselves, I will read to the court one thing further.

“The clerk of the Quarterly Meeting, when they come to this part of the business, reads the first of the appointed queries to the members present, and is then silent. Soon after this, a deputy from one of the Monthly Meetings comes forward, and producing the written documents, or answers to the queries, all of which were prepared at the meeting where he was chosen, reads that document which contains a reply to the first query, in behalf of the meeting he represents. A deputy from a second Monthly Meeting then comes forward, and produces his written documents also, and answers the same query in behalf of his own meeting in the same manner. A deputy from a third, where there are more than two meetings, then produces his documents in his turn, and replies to it also; and this mode is observed, till all the deputies from each of the Monthly Meetings in the county have answered the first query. When the first query has been thus fully answered, silence is observed through the whole court. Members present have now an opportunity of making any observations they may think proper.”—(1 *Clarkson*, 219.)

I would observe, however, as I may not refer to it in the book, that in England, where there is but one Yearly Meeting, there are queries sent down to the Quarterlies, and so down to the Monthly Meetings, by and through which, they ascertain, officially, of the compliance or non-compliance of subordinates and members with the discipline. To different meetings, there are different inquiries; different in number, different in object, and requiring different answers.

Here I would remark, that the discipline of the Yearly Meeting at Mount Pleasant, is perhaps, in some particulars, not in exact accordance with the views of Clarkson. But in the main, it is the same. For instance, they may not require or observe the exact regularity of reading the queries—reading one, and requiring an answer. But the discrepancy, if any, is barely in some of the details of doing business.

It may be well here to say, that Clarkson speaks as every other man would speak, who is not a member of the society, or who has not accustomed himself to their language. He speaks of these meetings as courts, and they are to be taken and treated as courts, in which we shall see, by and by, that there are duties devolving on the representatives, constituting the great court of the Yearly Meeting. And we shall also see, by referring back to another page of Clarkson, that the names of the representatives are always entered in a book in the men's meeting, and the same in the women's meeting. The names are first entered in a book, and until this takes place, the meeting for discipline is not to be considered as constituted.

“In the men's [Monthly] Meeting, and it is the same in the women's, the names of the deputies before mentioned are first entered in a book, for until this act takes place, **THE MEETING FOR DISCIPLINE IS NOT CONSIDERED TO BE CONSTITUTED.**”—(1 *Clarkson*, 208.)

There is another question arising upon this discipline, which it is necessary that we should fortify with authorities; although the gentlemen have found themselves in the need of acknowledging to us, that these meetings for discipline were always considered as select, to which none but members in standing, not disowned, or not under dealing, were admitted to attend. This is provided for in the book of discipline.

“It is the judgment of the Yearly Meeting, that elders, overseers, and others concerned for the support of the discipline, exercise a care that our meetings for business be kept select, not permitting those who have not a right of membership among us to sit in those meetings.”—(*Book of Discipline*, 30; see also page 80, same book.)

I shall now, as I am approaching the Yearly Meeting, examine, if the court please, to see what authority and power the representatives of that meeting hold. It has been contended on the other side, and will be urged, that that meeting is a pure democracy; that no one member has a preference over another as to the decision, rule, and government of the meeting: that there is no power existing in any shape, in any one member, whether representative, clerk, minister, aged or young, over another. We will inquire, because it is only by reference to the long established usages, or the statutes or ordinances adopted by this meeting, or by the mouth of witnesses, that we are to establish these facts. And there is a direct accordance between the testimony before you, and the

statutes and ordinances of the society, as to what does constitute a Yearly Meeting, and whether a representative has any authority in the incipient stages, result, or ulterior resort.

Now, Clarkson has some remarks upon the subject, although I must say, we find in him, as we find in our law books often, a question, almost self-evident in itself, never agitated, but presenting itself to the reason of man, connected with the nature and general scope of the discipline, which has never been disputed, never spoken of as a disputed point.

“The deputies, who are now generally four in number for each Quarterly Meeting, that is, four of each sex (except for the Quarterly Meetings of York and London, the former of which generally sends eight men, and the latter twelve, and each of them the like number of females,) having received their different documents, set forward on their journey. Besides these, many members of the society repair to the metropolis. The distance of three or four hundred miles forms no impediment to the journey. A man cannot travel at this time, but he sees the Quakers in motion, from all parts, shaping their course to London, there to exercise, as will appear shortly, the power of deputies, judges, and legislators in turn, and to investigate and settle the affairs of the society for the preceding year.”—(1 *Clarkson*, 222. See also *book of Discipline*, 30, cited anti.)

“This meeting [the Yearly Meeting of London] is constituted of representatives deputed from each Quarterly Meeting in England, from the Half-Year’s Meeting in Ireland, and sometimes from other parts, yet without restraining any member in unity with the society from attending.”—(2 *Gough’s History*, 164.)

“To show that they [the Friends] are people that love order and good government, they carefully practise it themselves. For if there be twenty meetings of worship in a county, they peradventure make three or four Monthly Meetings of business: and these Monthly Meetings are resolved into a Quarterly Meeting for the county, by such members as they severally appoint to constitute it. And all the Quarterly Meetings in the nation, by chosen men out of themselves, do constitute one Yearly Meeting; unto which, the meetings of those people, in all parts of the world, have their recourse, by chosen messengers or by epistles.”—(*Penn’s works*, 687.)

It does seem to me, if the court please, that we have produced ample and sufficient authority for the position which we took in the opening of this case, that the representatives do, in fact, substantially constitute the Yearly Meeting. In accordance with these authorities we have offered to the court the testimony of Bates, Ladd, Taylor, Stanton, and others, as worthy of credit as any men in the community, who have been trained up from their birth in the discipline of this society, and who have not now, and never have had, cause for saying to this court, other of their discipline than the truth. And they pronounce to you, that the Yearly Meeting is constituted, substantially, of the representatives from the Quarterly Meetings: for I may well inquire what means the word representative—what means the word deputy? They are those who are instructed, says the book, and who are supposed to understand, and are charged with, the interests of their constituents,

or those whom they represent. Could language be more plain, except it were to say, that a representative means one who is charged, and required to execute his charge, as an agent, as an attorney, as a delegate from one meeting to a superior one. No explanation could be added to it. Their own witness, Askew, expressly says, that Monthly Meetings are represented in the Quarter by their representatives. If Monthly Meetings are represented by their representatives, by whom else are the Quarters represented? It appears to me, the gentlemen have mistaken the pole of their system. Now, each individual may represent himself in the meeting;—that we do not deny. He may be there to make his complaint, or to oppose measures; or, for the cause of truth, he may be there a sentinel for his own rights; but he is not there as a representative for a subordinate meeting: he is there in an individual capacity, and in such, he has a right to be heard. But of the interests of the Monthly or Quarterly Meetings, I do say, and dare refutation, that the representatives do represent those meetings, and are to be consulted, as respects the Quarterly Meeting. I may ask, as in the present instance, of Mr. Hilles, a representative from Redstone Meeting—he never appeared, he did not answer, he did not represent his meeting, and that neglect was a neglect wittingly—of him I may ask, would he not be subject to be dealt with: would he not be subject to disownment, unless he condemned that conduct, and restored himself to unity in the society? Surely he would. And why, if he had no right there, other than other members? I do think that the gentlemen have not made the proper distinction between the representation of meetings, and the representation of individuals.

The Quarterly Meeting, as a society, is no ideal thing. It is in itself a little state; and as such a state, is a body which can only be represented, in the Yearly Meeting, by its deputies or representatives, who, as Clarkson says, are supposed to be acquainted with the affairs of the society, and charged with its interests. If, then, I have a correct view of the subject, there is no mystery or difficulty about it. Any individual would have a right to attend any conference, any synod, or any assembly of a society to which he belongs, so far as I know the societies of this country, and this society is not dissimilar from others, upon that subject, except they have special rules to the contrary. He might propound a subject, and be heard; but can it be supposed that he would have the same authority as a presiding officer; as ministers, or elders?

We are led, very often, to misunderstand a question, by not being acquainted with the terms which are used. The society of Friends have, from the time of George Fox, separated themselves from the world, and, as he who has read their his-

tory will be satisfied, have adopted a system, nearer to the church system during the three first centuries, than that of any other church. They have adopted rules by which they will not go to law: they will not be concerned in the sports of the day, which will lead to a dissipation of mind and property; and with this distinctiveness of character, they have assumed a different language. And herein is probably the difficulty of understanding their rules. They have used different terms in their courts: for instance, the term disownment. We never pronounce anathemas, we never issue bulls, or condemnations of character to the world. We only say, thy conduct has rendered thee disunited with us. I say, in the use of terms, we mistake very often—in the term clerk;—it is supposed by the gentlemen, because he is called clerk, and they do not say that they invest him with the power of moderator, chairman, speaker, or president, that he does not possess those powers. But when the subject comes to be examined, I think we shall satisfy the court, that he does possess these powers, not in their full extent, but in all the extent necessary, on their theory, to the entire extent.

I come then, to the third point, whether this meeting, this society, were assembled.

*(The Judge.* Do you wish to be understood that members, other than representatives, have no vote?)

I consider representatives to the Yearly Meeting, as representing the society; as representing the Quarterly Meetings. Any member within the Quarterly Meeting, who is not a representative, may attend, but he does not attend, having charge of the concerns of the meeting. He may speak and propound questions, he may represent his grievances; and as they never call the ayes and noes, or never have done, for almost two hundred years, the weight of that member's opinion goes for what it is worth; and I am sure, that your honour must have understood what they mean by this—that, in separating themselves from the world, they would not adopt the forms and ceremonies of the world; and had they done it, they would soon have become a debating, noisy society, which would have swelled their records, and led to dis-unity. But they have always conducted and sustained themselves, under the mutual confidence which they have placed, in the first instance, in Him who rules over all; and secondly, in their brethren. First, a question is not carried by yeas and nays. It is not carried by votes, but the clerk hears all, and collects the sense; and, in the language of every witness, if there be an uninformed member, an illiterate member, a member that might, in fact, be of too loose, or liberal sentiments, if he should make his remarks, they would go, I repeat, for what they are worth, but not for the same value as those of an aged man, who had grown gray

in the service of the society. The simple member has no voice, only in that way. Cases might be put, where his voice would be fully heard. If there were one hundred representatives, composing the Yearly Meeting, and five hundred ordinary members, I would not say but a question might be agitated there, in which the sentiments of a majority of representatives would not prevail. It might occur, but it would be where a question would not be made, whether the overruling of the representatives was legal, lawful, or consistent with their system. For there might be two hundred, equally learned in their discipline, equally worthy, those who had established a character for godliness and usefulness, to whom equal attention might be paid—they would not contend, but go upon the doctrine of unity;—we yield when we find ourselves in a minority, or opposed in a proposition, which appears to be supported by the better and abler sense of the community.

You have heard it repeatedly stated, that they never decide by yeas and nays, except in the ulterior resort; and *that* never has been necessary, till the last Yearly Meeting. They put that as the only case, where the yeas and nays have been called. As the Yearly Meeting possesses the supervisory power over the Quarterly Meeting, language has become useless, and changed its nature and its office, if the representatives from the Quarterly Meetings do not compose the Yearly Meeting; for the Yearly Meeting is a meeting of the Quarterly Meetings, when they meet for discipline. Let me go back, and ask, what is the use of a Monthly Meeting? It is not necessary for worship, for they can worship in the Preparative Meetings. What is a Quarterly Meeting? It is not necessary for worship, as the Monthly Meetings have power over the preparatives, as meetings of discipline. It is purely a meeting of discipline over the preparatives; and so is the Quarterly over the Monthly Meetings; but not over the individual members. For the books and witnesses tell us, that each member is accountable to his own Monthly Meeting; the Monthly Meeting administers justice, and the Quarter is only a court of appeal, presiding over the Monthly Meeting; and the Yearly Meeting is a court of appeal, or supervisory court, over the Quarterly Meetings—not over the members. Strictly speaking, there is no member of a Quarterly Meeting, for every member belongs to a Monthly Meeting; and there he must be arraigned, tried and condemned. It is, then, only in their ecclesiastical polity, that these superior meetings preside over the conduct of the lower meetings. Language is of no use, if the Yearly Meeting is not constituted of those who represent the Quarterly Meetings.

I have said that this society has rules and regulations for all the exigencies of the society, and for the complete control and government of the members, as relates to their moral conduct,



and all that need not come within the purview of the municipal and civil laws of the state. They have a more specific and more unequivocal mode, than any other society of Christians on earth. It appears to me, there can be no discrepancy of sentiment, when the subject is brought home to reason and common sense.

I think I have established the position, that the Yearly Meeting does consist of representatives. I think this is settled by good authority; by the books of the society, and other unequivocal testimony. And the claim which the gentlemen have set up, and which they will contend for, that this is a democracy, is a claim that I think is not well founded—that the Yearly Meeting, when assembled at Mount Pleasant, was a pure democracy, without a head. It cannot so be. They have resorted to testimony, and sought to bring up precedents and usages—to bring up the course which has been pursued heretofore, to establish the fact; and I have yet to learn that they have produced a single instance. They have produced cases of disorder, and where clerks have been appointed when none were present, or, where those present have been accused of any thing contrary to the rules of the society; yet in no instance have they brought before your honour a single isolated item, to show that any regular meeting of Friends, in their monthly, quarterly, or yearly capacity, have ever deposed the existing, or present clerk, without his consent, or some known or established charges against him.

The testimony is, that Jonathan Taylor was appointed at the last year's Yearly Meeting, 1827, in the stead of Mr. Bates, who had been appointed regularly at the opening of the meeting, but being unwell could not serve, and Taylor was appointed in his stead. The minute of appointment we have here, before us. There is no question, and I suppose none will be made, that Taylor was the clerk of the meeting when it met. I may ask then, when that meeting had assembled, and the clerk had taken his seat, if it was not a religious meeting duly assembled? Without going further, I would advert, at this moment, to refresh your honour's recollection, to the statute which has been read.

But it will be necessary to go further, and inquire if Taylor was not the proper organ, as clerk of the meeting, to open it. From all the usage, which has been testified to here, and from the knowledge of the most aged and venerable members in the society, they uniformly say, that such has been the custom, from the first constitution of the meeting down to this time. The clerk, in the first instance, makes a minute, which they call an opening minute, and reads it. He then proceeds to call the representatives, and when he has called them, and they have answered, the meeting is opened. It cannot cer-



tainly be consistent with the principles of their discipline, or their proceedings known to us, of a deliberative kind, when persons are assembled together, that any proposition or motion can be made or sustained regularly, until the meeting is organized, unless it be for the purpose of its organization. If a motion be made before it be organized, it must be for its organization. The clerk was in his place, and was in no way disqualified. He had a duty to perform, and with as much expedition as his ability would enable him, he proceeded to perform it. There was supplication; after which, as is usual, there was silence for a short time, and the clerk then proceeded to make a minute, and to read it. Some said the meeting was opened; others, that it was not. Whether then, the clerk, who was in his place, was the organ of the meeting for the purpose of opening the meeting, depends on their discipline; of that, it seems to me, we cannot dispute. We may argue and talk, but there is no ground for disputation. I will refer your honour to the discipline.

“The Yearly Meeting of Ohio was set off from the Yearly Meeting of Baltimore, and is composed of Friends west of the Allegheny Mountains. The Yearly Meeting in Ohio was held at Short Creek, in the year 1813. It is now established at Mount Pleasant.

“The Yearly Meeting is now held on the first First-day of the Ninth-month. A public meeting for worship at the tenth hour in the morning, and another at the third hour in the afternoon. The meeting for discipline is opened at the tenth hour on Second-day morning. The Yearly Meeting of ministers and elders is held on the Seventh-day of the week preceding, and now concluded to be opened also at the tenth hour in the morning.

“The representatives from the Quarterly Meetings, both men and women, are annually to choose a clerk, and an assistant, at the close of the first sitting of the meeting for discipline; whose names are to be reported at the opening of the next sitting.”—(*Book of Discipline*, 97.)

Now, notwithstanding the criticism attempted, on the other side, to show that the representatives had the power barely of nominating the clerk, the discipline is express and unequivocal, that the representatives shall choose a clerk at the close of the first sitting, who is to be announced at the first sitting after. If then the clerk is chosen in that way, what is his office, and how long does it continue? It is till the close of the sitting, and till a successor is appointed. If this be a fact, then Taylor was the clerk, and in his place. He proceeded to make the entry, according to the direction in the discipline, and by the aid of the assistant clerk, proceeded to call the names of the representatives, and they answered. The meeting was then opened.

The fact that Mr. Taylor was in the chair, and the fact that the representatives had placed in his hands their reports, together with the principle laid down in the discipline, that the representatives are to choose the clerk, it does seem to me, must remove and rob the gentlemen of their argument,

that he was not the proper, regularly constituted clerk. And against this position, I will venture to say, they will have candour enough not to contend. For they must show, before they can undertake to allege that he was not the clerk in proper person, they must show that he had become incapacitated, impeached, or removed; and no such thing is attempted to be shown. I shall say further, as I have said before, that the meeting was not opened until the names of the representatives were called. And, I say again, they will not undertake to gainsay, that Taylor was the regular organ of the meeting, there in his place; and that it was his absolute duty to open the meeting; and for any neglect of that duty, he was liable to impeachment.

Let us now inquire if there was any disqualification—there certainly was none. All the witnesses concur to show, that there was no circumstance, fact, or matter, on which the meeting could act, to remove him. For if he had been guilty of any offence, the regular tribunal is, the Monthly Meeting to which he belongs. No matter whether it be the clerk of the Yearly Meeting, or any body else, the power belongs to the Monthly Meeting, and that meeting has jurisdiction of his offence, and that meeting alone.

I shall, for the present, pass over the proposition of French; and the nomination of Hilles, and inquire whether this meeting was duly assembled for the purpose of public worship, or to perform certain duties enjoined on them, as members of this society. The witnesses, Ladd, Bates, Stanton, and Taylor, testify, that the meeting was opened by Taylor as clerk—that it was in the regular manner and form of opening a meeting. We have also the testimony and support of Updegraff and Askew, who say, that he opened the meeting, and that the representatives were called. The question next is, *were they disturbed?* There is no doubt they were disturbed; but the question is, whether the proposition of French and the nomination of Hilles caused it. And here, I need scarcely make an argument.—Yet, notwithstanding the plain and positive assertions of Messrs. Pickering and Updegraff, and one or two others, that had not Mr. French made the motion, or submitted the proposition, there would have been no disturbance, it seems the disturbance came from the other side. I do not know how strangely men may argue upon facts, so directly staring them in the face. Taylor was the regular clerk, proceeding according to the ancient and known usage of the society. They declare, if French had not made the proposition, no disturbance would have taken place. It remains, then, only to ascertain, and we say it is ascertained, that the proposition of French was directly out of order. We are told that it was the case, by the most aged and respectable individuals in the

society; and we may refer, for confirmation, to the testimony of Tatum, Braithwaite, Coffin, Stanton, and Ladd of Virginia, who all pronounce to you, that the proposition by French was out of order, and ought not to have been sustained. I say, in the face of any man, that it was out of order. Who was there to take cognizance of that proposition, to a meeting without a head? Did he assume to be the head? It was not, in the first instance, a proposition to appoint a clerk, in consequence of the other being incapable, or absent; but it was a proposition, indignant to him, and to the meeting: "It devolves on me to state to this meeting, that the conduct of our clerks has been such," &c.

Should I liken this to any other deliberative body on earth, the fallacy would appear at once, in its most glaring colours. And why should there be a rule applied to this meeting, which has never been adopted in any other deliberative society, and which, if adopted, would strike at the foundation of all order, and demolish the strongest society on earth? Why should it be applied to them? Is it because there is a division in the society—because there were a majority of the members who wished the proposition to prevail? I say, each member, whether a representative or an individual, was bound, and pledged, in that instance, as strongly as I am bound, before your honour, to comply with the ordinary rules of court.

Had Taylor no rights? Was he to be treated, in that instance, as a culprit, as a criminal, as a convict? That proposition involved in itself a condemnation of Taylor, without alleging to Taylor, or the world, the causes of it. That proposition contained an impeachment of his conduct, without carrying with it any kind of specification, wherein the misconduct existed. That proposition involved in itself an utter condemnation, without any opportunity of being heard, or any chance of trial, or even the opportunity to say, I am innocent. For if a removal, if your honour please, could be, at that time, consistent with their discipline; if it could be imagined, for a moment, consistent with any deliberative assembly on earth, it must be on the hypothesis, that he was a culprit, that he had been guilty of an offence, and was unworthy of the community of civil, saying nothing of religious, society. There was another place, where he might have been arraigned and tried—there was another time, when he might have been arraigned and tried, and there was another, who might have pronounced sentence, if he were found guilty.

Then, in that proposition, I again say, there was an indignity thrown on every member of the society, by this allegation, in the presence of fifteen hundred people, as one witness says. The clerk had merited approbation, and a place, and promotion, and had been placed in the highest seat in the

synagogue; and there was, in this proposition, an allegation against this venerable man, that took from him his justly acknowledged character. If this proposition of French was, in itself, out of order, and an untenable proposition, saying nothing of the innocency of Taylor, then the nomination of Hilles, which was predicated upon the removal of a clerk, was also out of order.

But we have gone so far as to satisfy your honour, that Taylor was not guilty—that he was not obnoxious to censure, that he had done nothing which could bring upon him the animadversion of society. And from the mouth of their own witnesses, we have shown, that the Monthly Meeting was the proper tribunal to animadvert upon his conduct. It was alleged, to be sure, that they had understood he had violated a rule of discipline, by calling on Peaslee to sit down; but French does not embody that allegation in his proposition; he only says, that his conduct, the year preceding, had been such as to disqualify him, &c.; evidently including, and intending to include, not only the dereliction of duty in calling Peaslee to sit down, but in separating from the society (as it is called) at New York, last summer. Does it lie in the mouths of the Hicksites, here, to condemn Jonathan Taylor for leaving the Hicksites in New York? That is the ostensible object, but it is not true. They allege, that the orthodox have treated them wrongfully—that they maltreat them, because they are Hicksites. I mean no disrespect by the term, for, as men, I respect them as much as I do the orthodox. But, I say, it does not lie in their mouths to accuse Mr. Taylor, and make that the foundation of his disownment, of his degradation, impeachment, and condemnation, that he disagrees with them in sentiment; for it is on that ostensible ground that they proceeded. I ask, then, if it be not altogether a fetch? It is a subject of apology, thought of at the moment, to effect the object which those conferences had in view, of which I shall soon speak.

If Mr. Taylor called on a minister to sit down, when he ought not to have done so, it was a subject of animadversion for the ministers and elders. But it was manifest to the Hicksites, that Taylor, in calling Peaslee to order, did honestly and sincerely suppose, that he was a person who ought not to speak, and that he was in duty bound to request him to sit down. Grant, for a moment, that it was not true—that Peaslee had not been disowned, that he had not been excommunicated for preaching doctrines contrary to the tenets of the society of Friends—that nothing should have authorized any member to request him to sit down: when Taylor thought, and had been advised and informed, that he had not a right as a minister, and ought not to preach and exhort, he then was innocent, in calling him to order, for he thought he

was doing his duty, whether right or wrong. But the proposition of French deprived him, and cut him off, without an opportunity of redeeming his character, merely upon the ground of charges that had been whispered against him out of doors, even the rumour of which, only existed among the Hicksites.

That there was a disturbance, is a matter beyond dispute; and it is unpleasant to the feelings of every citizen, who has heard the testimony, to be informed that it was a disturbance of the character which has been represented. It has been represented in various strong terms; some have called it a riot, some a disorder, some a tumult; it was so great, that the beholders felt awful—it was painful and distressing; it was an appalling scene! Well, it must have been, when there was heard from different parts of the house, in an assembly for discipline, where it was to be presumed there were none but members of the society, one saying, “go ahead, or burst your boiler!” another one, “huzza for Jackson!” And yet, it is said, all this is to be tolerated—that it is no infringement of our laws; that we have no power to restrain such proceedings, and prevent their recurrence. But surely there is, there must be somewhere a corrective power.

Our next inquiry will be, to identify these defendants.

Court adjourned till 9 o'clock to-morrow morning.

*Wednesday, October 22, 9 o'clock, A. M.*

*Mr. Goodnow in continuation.*—If your honour please: at the time we adjourned last evening, I had arrived at the sixth division of my argument, which was the identification of the defendants in this disturbance. In order clearly to understand how they are identified, to the extent of their co-operation with that party who created the disturbance, it will be necessary for me to take a view of the anterior and subsequent movements of that party; not extensively, but in brief. And I shall repeat some of the circumstances and facts which I urged yesterday, as to the proposition of French, and the nomination of Hilles. We have seen, that the appointment of Hilles, as well as the previous proposition of French, were not questions before the meeting; the regular clerk of the Yearly Meeting being then in existence, and in his place. And here I will add, with a view of calling the attention of the court, what I then omitted, that Joseph Updegraff, and divers others, on the part of the defence, have expressly said to the court, that there was no time for the discussion of either of the propositions. And it has been said by Tatum, on the part of the prosecution, and the inference is clear, and must be evident, from the facts and the opinions on the part of the defendants, that there was no approval or disapproval of

either of those propositions; and this opinion is certainly corroborated by every fact connected with the case. It accords with what unquestionably was the sense of the meeting; and it certainly will be preposterous for gentlemen on the other side to contend, and equally preposterous for me to resist, the legality of the nomination of Hilles, and the proposition of French. It is in vain to disguise the fact, that these measures were for the sole purpose of opposing the orthodox. It is in vain to contend that there was a uniting in the meeting, with the nomination of Hilles, or that there was an accordance with the proposition of French. It is an assumption against the fact, and against the common sense of every Friend, and every individual present. With a view to show that accordance, they have gone into testimony to prove a majority; but we have shown that there was a large majority on the part of the orthodox. They, with a view to the removal of Taylor, the peculiar friend and officer of the orthodox, assert, that the proposition was supported by an overwhelming majority; and that it ought to be considered the sense of the meeting, that Taylor should be condemned and removed; and that the sense of the meeting was, for Hilles to be elected over his head. It is preposterous; for the witnesses, Updegraff and French, very respectable witnesses, say the understanding was, that the orthodox dissented and disapproved. It was then,—and I submit it to the candid opinion of every one, if it does not solve itself into this position—it was by a breath of acclamation, by a noise, by a wind, and not by the good feeling, not by the sound feeling, not by the open, solemn sense of the meeting. There was a confusion of voices, like that of Babel, more like a political caucus than any thing else I can name; in which, amid the tumult, was heard, “huzza for Jackson.” I say it would, in our political caucusses, disgrace any political party. And this is the way the proposition of French was carried, to rob a respectable old Friend of his good character—to destroy the meeting, and to mount Hilles, the leader, the head of a mob, as one of the witnesses has called him. It was unjust; it was unwarrantable; it was unlawful; it was an indignity to the meeting, and could only be supported by spirits capable of caucussing in the house of God.

Upon this proposition of French, I would say, to prevent cavil, that we view it as immaterial at what time it was made, whether before or after the opening of the meeting by the presiding clerk. If before, it must have been solely on the assumption, that there was no such clerk or officer in existence, or in his place; which was untrue. If after the opening of the meeting, then, to have been in order, it must have been a proposition to the meeting, and must have been recorded by the

clerk. He must have collected the sense of the meeting. He must have read it; and there must have been an approval, before it could become binding. That is the testimony of Magar and others, as to a proposition becoming binding. As to the time, it is immaterial; and I might well ask, to show the character—to show to the Hicksites, who amalgamated with the defendants, the absurdity of the proceeding; I might show, if I had time, a delineation of the circumstances, as they took place, and how they would read. At a Yearly Meeting, held the 8th day of September, 1828, Israel French rose in his place, and made a proposition, and thereupon, one or two hundred voices sung out, "I unite, I unite:" thereupon, Wm. B. Irish, or English, or somebody else, nominated Hilles; and it was carried in the same way—and all in the course of so many minutes. And where would the Yearly Meeting be? and what would become of the records? what would become of the clerk?—We must be convinced that this is all a farce: and not only a farce, but most unchristian. It is totally immaterial as to the time when Hilles's nomination was made; whether before Taylor read the opening minute, about the time, or afterwards. It is totally immaterial, because it rests upon the adoption and approval of the proposition of French.

About this Mr. Wm. B. Irish, it will be well to notice, that he is a member of Redstone meeting; that he is from the same Quarter with Hilles and Lewis—a pretty trio: and in this point of view, it will be well to bear in mind, that he is from the same vicinity—an associate and neighbour of Hilles. And as to this nomination of Hilles, I repeat, there was no minute made, nor read—no time given for discussion—no time for approval or disapproval; and in this, as in the proposition of French, the meeting did not concur. There was a tumultuous sound of voices, and reiteration after reiteration, by some individuals, in the usual expression of the society, "I unite." But that the sense of the meeting was with it, is clearly and unequivocally denied, by the facts and testimony in the case. And for these proceedings, the counsel in their ingenuity, and the witnesses for the party, with all their vigilance, have been unable to find a single precedent. It stands an anomalous proceeding—more anomalous than has ever taken place in the Christian churches, from the beginning until this day, amidst all the blood, and turmoil, and revolution, which have been occasioned by enmity to the church, or the over zeal of the church. There has been no instance of such outrageous conduct; and I charge it home, as being marked with an intolerant and unchristian zeal.

In this very transaction they stand self-condemned—yes, I say they stand self-condemned by their own measures. They have stated some cases, and have pretended, and the counsel



may insist, that they are precedents, or examples, which they are entitled to follow; but there is not one which does not directly oppose the positions which they assume. They have spoken of the appointment of a clerk in Philadelphia Yearly Meeting; and there they show, that the representatives exercised the power, but they divided in opinion. They have brought to your view also, the Yearly Meeting of Indiana, and there they are defeated; for in this instance, you will find, that there was a disability on the part of the clerk—he was unable to attend.

I am told, at the bar, that the opposite counsel will rely on that precedent. In reply, I only say, we do not deny that where there is a case, in which no clerk is present, or if present, is incapable of acting, it is in the power of the meeting, in that exigency, to supply a clerk. I have not asked, nor inquired, any further than the testimony has come out, but I mention it, as the only course which could be adopted with some consistency. They have cited New Garden. In the meeting at New Garden, there was a proposition to appoint a clerk instead of the one in his place; and I have just said, the Hicksites stood self-condemned, in their opposition to the orthodox, at Mount Pleasant. What was the case at New Garden? Benjamin W. Ladd was present, on his duty as one of a committee, and he was one of the leading orthodox at Mount Pleasant. He then proceeded in the same course, which we now contend is right. It is to be recollected the clerk was under dealing. The same course, which we now contend for as the correct one, Mr. Ladd and his friends there pursued; the representatives withdrew, and made their nomination. And the court will remember, that by the discipline, committees are appointed in the lesser meetings for that purpose. That is the established discipline. What did the Hicksites do? They contended, and used the same language used by the orthodox at Mount Pleasant. They said, “let the clerk proceed, we have a clerk at the table.” Certainly they will not be permitted, one day to take one course, and the next day another course, and yet claim the honour of consistency.

The clerk, at that meeting, was in the situation which did not authorize him to sit there. He was under a disability, which we have uniformly acknowledged would disqualify him for filling that office. And the course pursued by Ladd and his party, was that authorized by the discipline. And the course which *they* pursued, from their own hypothesis, that the clerk was capable, and not disqualified, was the same course that we pursued at Mount Pleasant; the only discrepancy is, that at Mount Pleasant the clerk was not at all disqualified, and the orthodox wished him to continue. At New Garden, the clerk was disqualified, and the Hicksites wished

him to act. In one point of view, they acted consistently, for they consider all men alike; all on a level; and at Plainfield they recommended all to go to meeting, as heretofore, disregarding all the disownments which have been passed against them.

Again, they have introduced Woodbury, as a precedent, and we will see how they stand there. They tell you, that a committee was appointed to make the nomination, and it is in unison with this book of discipline; though this does not reach there. The meetings here, less than the Yearly Meeting, appoint committees, who make the nomination; and so they did at Woodbury; and yet they bring that up as a precedent. But there is one remarkable piece of testimony, which it will not lie in their mouths to deny or dispute; it is from the mouth of Hamilton, the old veteran from New Garden. He says, the representatives propose, or are required to propose, a clerk, in order to do away the necessity of appointing a committee for that purpose. Well, now, he is correct. See how the Hicksites fortify every position we have taken. In the inferior meetings, committees are appointed, and it is to be sure some little trouble, and occupies some time; and, says the witness, at the Yearly Meeting, the representatives are required to propose a clerk, instead of choosing a committee for that purpose. This unites with our positions, it supports and fortifies them.

I have brought these positions before your honour, for the purpose of presenting the defendants in their true light; and I revert to the position, and ask the gentlemen to meet and deny it, if they suppose it bears upon the case at all, that every member of the society is charged with a knowledge of its laws and discipline, and that your honour is bound to receive them, as possessing this knowledge, and to treat them and decide upon them, as possessing a knowledge of their discipline. They are bound in the same way as other men are charged with a knowledge of the law; there is nothing in this, which is inconsistent with common sense and reason. If I unite in partnership with half a dozen individuals, am I not charged with a knowledge of the obligations imposed by the articles of co-partnership? I cannot plead ignorance. And every jurist, if not every Christian disciplinarian, will see and understand what I am at—that every member is bound to know the discipline, and when charged with an offence, must meet and receive the full measure of that rule. Then your honour will perceive, why I reviewed that testimony; because if Hilles and James have taken an active part, they must inevitably be guilty of an offence; for they knew—the law says it, reason and common sense say it—they knew, they were violating the discipline, and by violating the discipline, they

caused that disturbance. They must at least have caused a disturbance, if they did not break the discipline. I make the remark, that I may not be misunderstood, or my words interpreted beyond their true sense; they were *particeps criminis*, or they were concerned in this transaction. To show this the more clearly, we must travel back to the caucusses, and conferences. We have heard considerable, though we had to drag it out, as you would extract a tooth. It came reluctantly, and coming reluctantly, it was almost impossible to determine the distinct motives that led to these meetings, or what was, in fact, their real result. In speaking of the result, your honour will see, that the members of this society adopt, both in their religious exercises and discipline, and by habit carry into their lives, the principle of being governed by the motions of the Spirit, or, as at the time they may be given to understand is the correct course. I mention this, that the court may understand what they call the result of their conferences.

The first of these conferences, conversations, confabulations, or whatever you may please to call them, was held in a barn. I do not speak of the barn, as derogatory to the meeting; but it happened at a barn. There was some interchange of sentiment on the division of the society. The next was at Redstone, at the Quarterly Meeting house. At Redstone conference, delegates were appointed to the Plainfield conference, in Belmont county; and there were delegates I think from all the Quarters. The next conference was at Updegraff's school-house, in Mount Pleasant, on Saturday, before the sitting of the Yearly Meeting.

It will be necessary here, to inquire into the object and determination of these conferences at these several places. One of the witnesses speaks of the desperate state of the society which they were to take into consideration. What desperate state? We are informed what they considered a state of desperation. We are informed by Israel Updegraff, that there had been much dissatisfaction excited by the disownments which the orthodox were carrying on, as respected themselves. It is called a high-handed measure. I do not use Mr. Updegraff's language, but his sentiment. Herein consisted, as they apprehended, the state of desperation that led to those conclaves or consultations, for devising ways and means to seek redress. Here was David Hilles, and in all but one conference, Isaac James also; and this reverend clergyman, Mr. Peaslee, for the calling of whom to sit down, Mr. Taylor is charged with having violated the discipline of the society. A minister from abroad, without showing his credentials, which every minister is bound to carry when he travels abroad, attempts the duties of his office, and is requested to sit down;—and these conferences were to seek redress of wrongs and grievances. I have alluded to the wrong; it was disownment

on the part of the persons whom they call orthodox. The disownments could be from none but the society. The disownments must come from the society, the regularly organized society, and the regularly conducting society. They could come from no other source. This was their grievance, and it rendered their situation desperate.

And I may be under the necessity of informing your honour, that this book of discipline points to them, the road to seek redress—it points out the means how, and where, to seek redress. And that state of desperation must have existed in the mind, and not in the reality of the thing; for if disowned in their own meeting, they could appeal to the Quarterly; for disownments are only in the Monthly; and from the Quarterly they could appeal to the Yearly Meeting. There was another grievance, which it was pretended was one cause of this desperation; it was, that they had understood the orthodox were making preparations, and endeavouring to arrange their proceedings, so as to exclude these persons from the Yearly Meeting. This was one of the grievances of which they complained. But the rule always has been, and always will be, to exclude all improper persons,—all those who do not belong to the society, including those who have been disowned. The orthodox are the society; for when they speak of the orthodox, they speak solely of the meeting,—of those who have in control the meeting. And the orthodox never did pretend, in any of their consultations or conferences, to keep out—they never did keep out any but those who ought to be kept out: For it is fully shown, that those who are not members should not be admitted into their select meetings. This complaint was altogether imaginary. The other, that they had been disowned, might have been well-founded; but the latter was unfounded in every particular; for there was no design to exclude any body who was entitled to attend. But Mr. Magar says, one object of their movement was, to heal the breach. Let me ask, what breach? And I make this inquiry, to meet what I suppose will be urged by the other side, that they were seeking redress in a lawful way. They were endeavouring, says Mr. Magar, to adopt measures to heal the breach; that is, the disownments, and the conduct of the society in the laying down of Monthly Meetings, and protecting its select meeting from intrusion. Were these the breaches which had brought about that state of desperation, of which they speak; and which would authorize them to call conferences, and with the strong arm of flesh take possession of the synagogue? Surely not.

Again, we have shown the character of these conferences, and, as I think I am bound to say, a very unjustifiable character; for invitations were sent abroad from Plainfield, to the

brethren, wherever they might be, to attend that conference, and to attend to the Yearly Meeting, embracing all those who had been disowned, as well as others. They were not content with seeking what they conceived to be a redress of their wrongs, in the way pointed out by the discipline; not content with making complaint to the heads and fathers of the society, and within their own pale, and under their own vine and fig-tree. They were not content with this, but went to holding conferences, unknown and strange to the society. And in these conferences they invited disowned persons, who, they knew, were not entitled to a seat in the meeting. Two or three of the witnesses have placed great emphasis on these two words—peaceable and quiet; and there are but one or two who have come out openly, without shaping their words to the best advantage; and they will say, that when recommending to go to the house, as heretofore, it was to be in a *peaceable* and *quiet* manner. To acknowledge more than this, would be to acknowledge a revolutionary spirit under the rose—that they were broiling under anger; and that this was a proposition to go, as heretofore, with persons disowned, who should not go at all; that is, go and make your way into the house, and into the society, as before you were disowned. This was their intention; that disowned persons should array themselves at the doors of entrance, and if admitted, well and good, but if not, then wait till you shall be moved what to do. Go, as heretofore, disregarding the disownments of the society, for you have been wronged.

Peaslee and Hilles had travelled through the country, preaching, and instilling into the minds of the people a revolutionary spirit; and these were the officers to lead the re-organizing force. If we got in, says Dr. Carroll, we had concluded to do what should seem best.

Now, in the language which these witnesses have used, we are left very much in the dark. We did not determine on any thing, say the witnesses, but if we got in, we were to do what seemed best. If they intended to do nothing which was not in accordance with the discipline of a pious and Christian people, there need have been nothing said on the subject; but, on the contrary, their language would have been that of undissembling, pious Christians—if we get in, we shall be satisfied; if we get in, and are permitted to participate with our brethren, it is all we ask. But I say there was something under the rose. If we get in, we will do what seems best; we will not submit to the authority and discipline of the society, as peaceable and quiet members, in unity with our brethren; but we will do what shall seem best. And for that purpose was David Hilles mentioned for clerk.

But the Updegraffs and French do, in pretty plain lan-



guage, say, that they contemplated a division of the society. They pretend that the society was in a desperate situation; and instead of seeking to heal it, and unite with their neighbours, and not quarrel with them on questions of faith or tenets, not satisfied to unite and worship God, without dissension on minor points, they did contemplate a division. And why? If they wished to divide, they were at liberty to withdraw; there is nothing in the book of discipline that detains them for a moment after they lose their unity of feeling. There is nothing to prevent their withdrawing—and they might stay away from the meeting if they could not accord with their brethren.

It was a desperate state of feeling, when they could contemplate a division at Mount Pleasant, where strangers were assembled from across the water, and pious and good Christians from all quarters of our country, to commune upon the interests of the society, and to worship God. How was it possible for pious Christians to contemplate such a division, to array themselves, and create a disturbance, which was to assume such an appalling, distressing, and awful aspect. If they did not intend a division, if they did not intend to make a disturbance, if they did not intend to seek a re-organization, which I am entitled to call a disorganization, why name a clerk, why talk of him, and of what should be best, when they should get in? They had it in view, and they need not conceal it, if they did not get in, they were to re-organize the meeting. But I am bound to say, that the idea, if they did not get in, was altogether gratuitous; it must have existed only in the cunning and designing minds of Peaslee, Hilles, and their associates, for there never has been to this day, a single bar or latch against them; it is an assumption of fact. A persecuting spirit, on the part of the orthodox, has not been manifested in a single instance; and the idea is thrown out to the world, only to create sympathy, and to bring around themselves a phalanx of disowned and disorganizing people. And I call on them to say, where there has been one single manifestation of a persecuting spirit, of an unjust, unchristian, ungodly spirit, on the part of the orthodox, towards their brethren who call themselves Friends.

There is, however, something lurking beneath all these proceedings, which, peradventure, ought to have mollified my language a little towards the Hicksites. I cannot believe that it is altogether a disorganizing spirit, but I much incline to think, that the thing which is said to be the root of all evil, is at the bottom of it. And I am fully authorized to say, it is an avaricious spirit in part, it is a love of money, that has urged them on to the measures which they have pursued. For, even here, it was supposed, in the outset of the defence, that they

were entering into a contest about property. It is their belief, that they are contending about property. They have talked about property at Concord, and about the Yearly Meeting house and property at Mount Pleasant; and it has been in evidence, and before the world, that the first and most important measure of the Hicksites, was, a proposition to divide the property. Now I did not suppose that there existed an association of Christians in our country, especially the Friends, who would ever get into a contention about parochial property. It is not merely the devil; it is the root of all evil, that has excited them to this course of conduct.

Did they go in a peaceable, quiet manner, as Christians should go; or did they go with those who had been disowned, as they had done heretofore? They went with persons like James, who had been disowned—a testimony of disownment had been issued against him, and delivered to him. He went under an invitation from Plainfield, disregarding the discipline and disownment of his own Monthly Meeting.

But Hilles is said to be a member. Hilles' conduct, as a member of the society, is tinged with a very dark hue, and, it seems to me, by a plodding, calculating design. We see him in all these conferences; and, as a representative from Redstone, attending the Yearly Meeting for discipline. He sees, and he knows his duty; for he is learned and shrewd. The discipline says, it was his duty to lodge the reports, which he had with him, in the hands of the clerk. The discipline required him to answer to his name; but he did not do it. He neglected his duty as a representative, and as a member. And, I ask your honour, wherefore? It was because he knew in his own mind, that it had been determined to disorganize the meeting; and to trample upon its discipline. He is sly and cunning. He was playing the game of an arch-demagogue. He is entitled to these remarks, from the course which he has pursued.

We see him, when waited on, after his nomination had been carried by acclamation, hanging back, and pretending that he would rather not; though, I say, the previous design was, that he should be the clerk, and he knew it. He objected; he was so modest that he could scarcely receive the honour. When waited on, he was reluctant; and you are told by all the witnesses, that he was the most passive being that ever was—a mere child or babe in the hands of his friends. But he went with them through the crowd, and then could take to himself the old drawer of the table, to write on—could call the meeting, and act as their organ and principal man; and yet, it is said that he took no part, that he had nothing to do—modest, pious soul! Not at all concerned, but was driven to promotion, just as the demagogue is always shoved along. When you look round,



there is not a single individual that did shove—nobody shoved, but all were shoved; there were no *shovers* in the business; they were all *shovees*. I do say, the thing is a perfect farce; and I put it to him, who has ever felt that he had a soul to be saved, who ever felt it possible for him to be blessed in a future state, or who believes in a future state of happiness or misery, if he could, at such a moment, in the presence of his God, conduct in such a manner. It is a scandal upon the religion which we profess. And the Mr. Pierce who has testified, seems to me to have never thought that he had a God. It must be impossible, that those guilty of such conduct ever felt the spirit of religion; if so, I hope I never shall be tainted with it.

But James was not a member of the society; he had once been; but whether he was once humble, and truly religious, and holy in his walk and life, I know not. If he has been, he certainly is a fallen spirit. He has been disowned, as is shown by the testimony; and I can view him in no other light than as a real valiant lad, ready to enlist in any crusade where he might chance to better his situation; for worse could not be; and he enlisted under Peaslee and Hilles. They called in the scattered tribes; and under these banners he was going up to seek redress; for after he got to the highest seat in the synagogue, he said, "I was told this was the way to get redress." By whom was he told that that was the way to get redress, in that tumultuous way, in the house of God, pressing forward, and taking the highest seat? Was that the way for a Christian to seek redress? and is it pretended that he was a follower of Elias Hicks? I fear the doctrines of Elias Hicks lead to such piety as that. I cannot fathom Elias Hicks' doctrine any more than I can deism.

All who have heard this investigation, have anticipated something of the defence which will be set up by Hilles and James. But, from the course already pursued by the opposite counsel, I can hardly flatter myself with any thing like a reasonable conjecture of what course they will pursue in future. But it does become me, out of courtesy to the gentlemen, to state what I suppose will be their defence, that they may understand how I, as one, would resist the position which the prosecution has taken. I shall, therefore, notice some of the prominent grounds which the gentlemen will take, to show that their clients are innocent, and not obnoxious.

I suppose they will rely on the fact, that Hilles is a member of Redstone Quarterly Meeting; that he was a representative, and therefore entitled to all the rights of a regular member, in the exercise of those rights. James, they would probably say, though disowned, was irregularly disowned. But that, it seems to me, is not a matter for discussion. I think the relation of Hilles to the society, renders him far the more culpable of the

two individuals. And if I am correct, that there was a disturbance of the meeting, acting under the clerkship of Taylor, and if, in that disturbance, Hilles and James were participators, were I sitting as a judge, clothed with plenary power, I should inflict double punishment on Hilles. There is a manifest difference between an ignorant, unlearned man, (and I believe James to be such a one,) acting under a belief that he had been wronged and injured, and one who is learned, talented, and shrewd; in full communion with a large society, acting knowingly against their discipline, and against the peace and harmony of the society, and evidently willing to prostrate its best interests. Such, it appears to me, has been the conduct of Hilles; for he knew the discipline; he knew that he was wrong; he knew the course pursued must have a tendency to widen the breach, and render desperation more desperate. He knew that it would have a tendency to throw the society into still greater confusion; and the most common capacity must allow, that such a course would have a tendency to make the division irreconcilable. It was like opening a wide and broad gulf between brethren of the same faith, impassable in this world;—in the next, there are no gulfs to pass!

James claims no distinction; he was once an ordinary and humble member belonging to the society; but he has been disowned, and, in his zeal and blindness, he may have been led to suppose, unjustly disowned. He had been advised, and under the feelings of remorse, disappointment, or mortification, he may have supposed that he was in the right way to restore himself to his privileges. In Hilles, we might have well looked for a different course. But I think it immaterial whether one or both were members of the society. It is a matter of total indifference in this stage of the question, whether they were members or not.

I have understood, the common opinion is, abroad, that, as Hilles is acknowledged to be a member, if James were in a like situation, this prosecution must fail. That opinion, it seems to me, is illegal, and irrationally founded. I will suppose, for a moment, that I am a member of one of the societies in this town, Episcopalian, Presbyterian, or Methodist, in full communion with them; and that, during divine worship, I should get up and undertake to make a preachment, sermon, or exhortation, and in that way disturb the people, so that they would necessarily disperse, and should manifest a determination and design to disturb the meeting, and assert that I had a right to do it—would not the statute punish me? Is it not preposterous to suppose, that a statute should be so framed as to have no power over those belonging to the society, to say to them, that they shall not disturb the society? It is preposterous to suppose that a member is not capable of dis-

turbing the body, because he has a right of membership. I should be as capable of disturbing the society to which I belong, as the utmost stranger.

Hilles, being a member, was under a double obligation; I might say under a threefold obligation. He had pledged himself, in as solemn a pledge as he could make; he had agreed to be governed by the discipline; he was under an obligation to submit, and not create disturbance. He was under another obligation, from the fact that he professes godliness of life. And in a third respect, as holding a conspicuous station in the society. On all these accounts he was bound, by every principle that binds us in this life, to have conducted in a mild and Christian manner.

I have heard much said, as to the majority at the late Yearly Meeting, and the majority of the society at large; but what has that to do with the case? I have, I think, satisfied your honour, that these defendants have not the excuse, for acting as they did, in acquiescing in the proposition of French, or the nomination of Hilles, that there was a majority on their side; for it has been shown that the majority was on the orthodox side. It is a well known fact, that their feelings were opposed to these proceedings; and yet they talk about majority.

But there is one position, taken by Peter Askew, that it seems the defence will not agree to, in relation to laying down Concord Monthly Meeting against its consent. He takes it, that all those who do not speak in favour of a proposition, are against it. And if that rule is to apply to Hilles, his appointment was lost by about twelve hundred. This is a rule which Peter Askew takes for correct; for he says, in relation to Concord, that there were only four voices in favour of the measure, and all the rest were to be taken of course as against it. So that I know not what is to be understood by majorities. By their arithmetic, it would seem that they have a majority in the United States, and in the world; and that, therefore, they had a right to enter the house contrary to discipline. Do they say they had a majority in that house? Then I refer to the facts, as established by Dr. Hamilton and others, to show that they had not a majority. Dr. Carroll calculated their numbers at about four hundred. But, it is said, they had a majority of voices. We have only to answer, that the noise was altogether in their favour; the disturbance was in their favour; and, if they please, they may take all that was said; "Go ahead, or burst your boiler:" "Hurra for Jackson," &c. They may take the whole. But this only shows the blindness or evil design of the defendants, in the course they have pursued.

That they were seeking redress for grievances, is another objection to be made; and upon this, we have but little to say.

But it is a little remarkable, that so many men of standing and information, and with such counsel as they have; the first in the country, and the oldest at the bar, should contend that these defendants are suffering under wrongs, originated by the discipline, yet, never have sought redress by the discipline. They declare that they have, throughout the country, a majority; and insist that the society is a democracy; and yet, they can seek redress in no other way, but by force; in no other way, but by trampling on the discipline, and getting into power, as Hilles took his seat. If they are a majority, and they have suffered wrong, let them wait with patience, like humble, pious Christians—the day is coming, when they must have power, in every Preparative, Monthly, Quarterly, and Yearly Meeting. It argues against their principles, wisdom, and character, that they have not gone to the fountain head—but they have not waited; they have shown themselves ten times more disorderly, and ten times more ungovernable than the Jacksonians are charged to be, for the Jacksonians have waited till the polls came round; and why did not the Hicksites wait till the polls came round? Why have they not pursued the course, which the discipline, which common sense, and the law point out? It is no excuse that they have suffered wrong, by disownments, and the laying down of Monthly Meetings. This is all a stratagem; and their proclamations to the world, about disownments and the laying down of meetings, is only to create a fervour of feeling in the community in their behalf, and to bring around them every disaffected member, who may chance to come within the sound of the proclamation from Plainfield. Come hither, all ye disowned, and we will seek redress in our very sanctuary, in the Yearly Meeting—in the most important meeting of the society.

They have again raised another hue and cry against the orthodox, on account of door-keepers, and pretend they have discovered something unusual. They pretend that these door-keepers were to prevent the Hicksites from the enjoyment of their lawful rights; but it is altogether a fetch. You are told that the appointment of door-keepers is a usage of long standing, and that there is nothing new in this instance, except it be in the number. And this is easily accounted for, by the larger number of people from all quarters. It was thought necessary to increase the numbers, because they were more liable to be imposed on—as they have been. It was necessary for them, when they saw the course that was pursuing by the other party, to send door-keepers from different quarters; because those from Short Creek would not know who to admit or reject. And I should suppose that a satisfactory reason to any man. And, perhaps, there is no better way than to test

the thing by what occurs afterwards, as respects a design, when we cannot know the motive. We know there were at this Yearly Meeting an unusual number, striving to get in, who were disowned, and not entitled to admittance. We see by this, that the anticipations of those in office were well founded, and that they had good reason to make arrangements; and their proceedings cannot extenuate the conduct of the defendants. And how do they stand excused or palliated in their conduct, from the fact, that those whose business it was, anticipated difficulties, and took the necessary precaution? It might answer where no other excuse could be had: according to the old adage, "a poor excuse is better than none." If there were dissatisfaction existing, why not seek the proper redress by appealing from one meeting to another? They were bound so to do. And if they did not do it, they have no cause for grumbling.

I am aware, from the manner in which the gentleman has examined Mr. Scholfield, and read his testimony of disownment, that he will indulge in some remarks upon it. And as a subject of remark, it may be proper for me to suggest a few ideas, against what I conceive to be the course which will be pursued by the gentleman. I recollect the emphatic manner in which he pronounced some of the words in Scholfield's testimony.

I beg leave simply to remark, that this society, like all others, is founded on some certain known or established tenets or doctrines of faith. And when a member unites with a society, he pledges to them his faith, and his belief as a Christian. To act in harmony and Christian love, the members of a society should be of one faith and belief. It is the true foundation on which they unite. And it can be no cause—and I am yet to learn that any rational being should suppose it a cause, of resentment or ill will, when they charge a brother with having denied the faith, and he having assented to it, that they should disown him. I would not go into an investigation—but the gentleman has offered this, and read that part which relates to a book of sermons attributed to Elias Hicks, in that emphatic manner, which will lead to the supposition that there had been a disownment, because the member did not conform to every one of their particular tenets—which is not the fact. There is a book of sermons that contains doctrines directly the reverse of the doctrines in the discipline; as diverse as Unitarianism is from Trinitarianism. And the attempt, to which they will be led, to place the orthodox party in the light of inquisitors, will fail before an enlightened public, though it may gain credit in the chimney corner. There is a text in this discipline which I feel bound to read, as it is one of the grounds on which members

are subject to disownment. I am bound to read it in defence of my clients.

“If any in membership with us shall blaspheme, or speak profanely of Almighty God, Christ Jesus, or the Holy Spirit, they ought to be timely and earnestly treated with for the convincement of their understandings, that they may experience repentance and forgiveness; but should any, notwithstanding such brotherly labour, persist in their error, or deny the divinity of our Lord and Saviour Jesus Christ, the immediate revelation of the Holy Spirit, or the authenticity of the Scriptures; as it will be thereby manifest that they are not one in faith with us, the Monthly Meetings where they belong, ought, after the aforesaid earnest and religious endeavours without effect, to declare the same, and issue their testimony accordingly.”—(*Ohio Discipline, page 22.*)

Elias Hicks, in speaking of the Lord Jesus Christ, says:

“He was only an outward Saviour that healed their outward diseases, and gave them strength of body, to enjoy that outward good land.” “It was the soul that wanted salvation; but this no outward Saviour could do, no external Saviour could have any hand in it.” In another place: “If we believe that God is equal and righteous in all his ways, that he has made of one blood all the families that dwell upon the earth, it is impossible that he should be partial; and therefore he has been as willing to reveal his will to every creature, as he was to our first parents; to Moses and the Prophets; to Jesus Christ and his Apostles. He never can set any of these above us; because if he did, he would be partial.”—(*Hicks' Sermons, Parker's edition, pp. 50, 392.*)

Without saying who is right, or who is wrong, of these Friends, in relation to tenets, which they hold so near and dear to their souls, I see not how they could retain unity with a man who professes the sentiments of Elias Hicks. Yet, for these disownments, secret conclaves are held, and re-organizing conferences; and the synagogue itself is to be turned into a den of thieves. And these men are said, and will be said to have been persecuted.

There is another objection upon which that gentleman may enlighten the court, if not amuse it—it is thought worse than all, the laying down of Monthly Meetings, without the consent of their members. Upon this subject, I remark, barely to do away the false impressions that may at first view arise from the Monthly Meeting's being laid down, without the consent of those that compose it, especially of a pure democracy—I will show, that there is nothing in the discipline, which requires a Quarter to have the assent of those composing the Monthly Meeting.

“No Quarterly Meeting should be set up, or laid down, without the consent of the Yearly Meeting; no Monthly Meeting, without the consent of the Quarterly Meeting; nor any Preparative, or other meeting for business or worship, until application to the Monthly Meeting be first made; and, when there approved, the consent of the Quarterly Meeting be also obtained.”—(*Book of Discipline, 29.*)

Now the court will perceive, according to the legal construction, that the consent of the Monthly Meeting is not



necessary, on account of the previous clause. It is not to be found in the whole discipline, that a Monthly Meeting cannot be laid down without the consent of its members. [Here Mr. Goodnow spoke of the Philadelphia discipline, as being different from that of Ohio, in relation to the power of Quarterly over Monthly Meetings; but having evidently received a wrong impression upon the subject, the statement was corrected by his colleague, Mr. Wright, and the similarity of the two disciplines acknowledged by Mr. Goodnow.]

We have from Baltimore an example given on the part of the defendants, in which a Quarterly Meeting has laid down a Monthly Meeting without its consent, and against its consent. If there be any objection to this position, it must be for the reason, that the Quarterly Meeting was advised by the Yearly Meeting. Because by the discipline, there and here, the Yearly Meeting is not the tribunal—the Yearly Meeting cannot lay down. And, I say, if the Quarterly had refused, the Yearly Meeting could not have laid down the Monthly Meeting in that instance. It would have been a departure from the correct order of proceeding, a violation of the first principles of their known civil and ecclesiastical polity; because the Monthly Meetings are constituents of the Quarters, and the Quarterlies of the Yearly Meeting; and it is not in the power of the Yearly Meeting to jump over a Quarter, and prostrate a Monthly Meeting. But it is in the power of a Quarterly Meeting to lay down a Monthly Meeting. What, I ask, would be the converse of this proposition? If a Quarterly may not lay down a Monthly, it might become most disorderly and inconsistent in its practices, there might be an entire departure from the established order of the society—and yet, it is said, the Quarterly, which is the supervisory power, could not lay it down. Such an idea is preposterous.

But in answer to both positions, the complaint against disownments, and laying down of Monthly Meetings, is all provided for by going to the Quarterly and Yearly Meetings. When a Monthly Meeting is laid down, he who suffers a grievance has a right of admission into the Yearly Meeting, and a right to make his grievances known. This is the known, uniform, and established usage of the society. Any member feeling aggrieved, no matter whether he belong to the Meeting for Sufferings, the meeting of ministers and elders—if he belong to the Yearly Meeting, he has a right to be heard. Such is the language of all the witnesses, and such we concede. There was, then, a way pointed out for redress; and, I think, neither of these questions can form any legitimate part in the merits of this case. First, disownments are in the ecclesiastical court, and this court has no supervisory power in those cases. I will not say that no case could be



named, in which this court might not have such power. I may liken it to a judgment incidentally brought into view; it must stand good while on its face it is fair, and cannot be incidentally impeached; so, if the laying down of a Monthly Meeting, except from the book of discipline, the court could be advised, that the society, or its laws, come under the protection of the municipal law of the state: and your honour would be bound to abide by it, unless some rule be brought to show that they have been wrongfully laid down;—there cannot be a question in any shape, unless it can be shown that these were members of the society, that they have suffered wrong, and that they are seeking redress in a lawful manner, according to the discipline. Here, then, it seems to me, sufficient has been shown to make it a clear case, that it was these defendants, in connexion with their associates, who carried on the disturbance in the Yearly Meeting on the eighth of September. If that be the fact, they must fall under the animadversion of the statute. That spirit which, on the part of the Hicksites, manifested itself at Redstone, Plainfield, and at the school house in Mount Pleasant, that combination does not, and cannot receive credence and sanction in this court, at the hands of your honour, so as to exculpate the individuals charged. Their crime is not lessened in consequence of the number engaged with them. If two had made the disturbance, so far as two could have created so much disturbance, I ask, if the case would not have been palpably clear? Then do numbers lessen the guilt, or excuse the defendants, in the acts of uniting, pressing forward, taking the drawer of the table, and proceeding, as they did, to open a meeting? Certainly not.

It is a combination which seems composed, not only of discordant materials, but knit together by no sentiments of unity. Their actions manifest a spirit of revolution and re-organization, and a determination to seek a participation in the property and meetings composing this large society. And when they pretend that a clerk has no authority, other than any individual member, how strange do their actions appear. Their whole struggle was to get a clerk. They thought, if they could get a clerk of their stamp, they were safe; and yet, they say the clerk is no more than an ordinary member.

If they had no views but those of passive, quiet members of society, why such combinations, such consultations, pomp, and preparations; why so much parade, as if going to war? I say, if there was no object but the support of the society upon pure principles—to maintain the society in its integrity, why not take their seats quietly, and then there would have been no disturbance. If it had not been for the proposition of French, all agree there would have been no difficulty in the meeting.

If their object were such as is pretended, why seek to remove the clerk, and why pursue the course they did? There was nothing to prevent their entering; they had not been denied, they had not been threatened, they had not been ill-treated.

To say the most, those who had followed Elias Hicks, in some of his doctrines, directly contrary to the discipline; those who had manifested, by their lives and conversation, a disunion with the body of the society, have been treated, not as culprits, not as wicked men, not as infidels, not as pagans; they have been treated as men enjoying the same rights and privileges as the orthodox. They are only told, in a spirit of Christian love, your doctrines are in discordance with ours, and you have broken the bond of union, and, by the discipline, you stand condemned. And we only testify to the world; and, to preserve our society from the scandal and slander of the world, we are bound to publish far and near, that we have no unity with you. We pronounce no anathemas, we give you no evil name; we only ask you to leave us, and establish yourselves where you please, and unite with whom you please. We have nothing to do with those who do not unite with us. This is all that has been said upon the subject.

In conclusion, I would suggest, that if these defendants are not within the statute, as disturbers of that meeting, it does seem to me, we can hardly imagine a case in which the statute would apply. And if there is not in the statute sufficient to meet this case—if a case like this, as testified to by the witnesses, where the disturbance was so great as to be painful and appalling to the spectator—if our laws have no provision or protection, no means furnished to magistrates to control such proceedings, I ask, what is the state of our society? There is not a church in this village, nor in the United States, that may not experience the same. And this revolutionary spirit may ride triumphant from Maine to Georgia: For what is there to do, what is there wanting, in those who happen to be disowned, those who happen to become alien to the faith which they have espoused, but to organize, and march in solid columns, and depose the presiding officers?

If the law will not protect societies against abuses of this kind, there is no safety or protection in the laws of the land. Liberty of conscience is at once at an end. And we do appeal to your honour, for the necessity, if this case be within the statute, of exemplary punishment. And if the defendants would seek redress of their supposed grievances in the society, they must seek it according to the ecclesiastical polity, which they have been instrumental in establishing.

This storm has been for some time rising and raging. It has been gathering in the horizon for some time; it is now

beginning to burst—it has burst at Mount Pleasant; and if it cannot be restrained, it will prostrate every society in the community. If these Hicksites gain the ascendancy to-day, to-morrow, it will be the Peaslee-ites, next day, the Hilles-ites; and if they gain the upperhand, who knows but the next triumph will be by the James-onians! Religious societies can only prosper, and be protected, by the stability of our institutions. And if the society of Friends, who have long been an ornament to the community—if the society about Mount Pleasant is to be scattered and driven to the four winds, and their house turned into a den of thieves, or robbers, or money changers, what must be the state of society? There can be little hope of any religious societies remaining for the protection of morality in our land, unless protected against these disorganizing and re-organizing Hicksites:

Court adjourned till 2 o'clock.

SPEECH OF WILLIAM B. HUBBARD, Esq.

May it please your honour, I am well aware, in rising on behalf of the defendants, that all the important points in the case may be reduced to a very narrow compass; they are but few, yet, from the course which has been taken on the opposite side—from the wide range of the observations which have been offered, it may become necessary, in the course of the defence, to occupy more time and ground than I had anticipated.

I agree, if the court please, with the gentleman on the opposite side, that it is of considerable importance in our investigation of this matter, that we have a proper conception of the true formation of this society. It is a consideration that will, if properly kept in view, serve to explain what otherwise might appear inexplicable, and make the case consistent with what has been testified on the part of the defence; and will show to this court, as well as to every other person, that the defendants, in the acts with which they are charged, were acting within the proper province of their duty, as regular members of Ohio Yearly Meeting. Indeed, the counsel on the opposite side has rested the whole of his conclusions and deductions of the criminality of these defendants on two fundamental principles; that the society is representative, and not purely democratic; and, that the clerk is the head of it.

I am aware that he concedes, or seeks to make a distinction, so as to allow the members of the different bodies a seat in the house. But his position is what I have stated—that the Monthly, Quarterly, and Yearly Meetings are, in the true sense of the word, representative powers. And also, in order to have a head, he has placed a clerk at the head, as head of

these powers when organized. But this, we altogether deny. It is an improper view of the society of Friends. This society exists on no one of these principles. They are, instead of a representative body, perfectly and purely democratic. So far from having placed a clerk at the head, they have placed no one there at all; the meeting is the head. In all its business it is purely democratic. This, I think, I shall be able to make appear. I do not expect to make this appear, if the court please, on new or feigned constructions. I expect to make it appear on the broad ground—the only ground that can be entertained by the society of Friends—that the society is composed of persons of both sexes and all ages. The persons who thus compose the society are said to be in unity. Now this society cannot be in unity, if there exist in it any disagreement in point of the rights of members; and this must be the case, if there be any superior or head over it; for then others must be inferior. Unity is in its nature altogether that which is equal. In the course of the testimony, it has been made to appear, that if there be a disagreement on the consideration of any question, and the minority, or those who oppose, do not give way, the proposition fails. The affirmative never carries against the will of any considerable number, while thus opposed to it. Why? Because contrary to the polity of the society. It is because one of the principles on which the society is based would be destroyed. As I was observing to the court, there can be no right understanding of the testimony, or of the books, and authors who have written, without the consideration of this principle, as stated by me. If a considerable number be opposed, rather than the unity of the society should be disturbed, the matter should lie over. Unless there be a clear expression of the society, or of the mind of the meeting, the matter should be postponed. Here we see, when we consider for one moment, what is meant by unity; it means something else than delegation, with regard to power. It has nothing to do with it; it embraces the whole body, whether Monthly, Quarterly, or Yearly Meetings. Furthermore, I take it upon me to suggest to this court, that the founders of this society—that those who were enabled through a long life to visit assembly after assembly on two different continents, have understood it in a higher sense than what I have stated. That they should be thus united, was not only for the utmost harmony, but for the encouragement of that kind of peace and Christian fellowship, which is above all price. There is even beyond this—if we look to the writings of Fox, Penn, and Barclay; they give you to understand, and from their writings you discover, that when meetings are assembled as Christians, they or their representatives, indifferently so, should be representatives of that august period, when they shall be united as

one in the courts above. It is to this that they allude. When assembled together, they first sit in silence, looking to the all-seeing eye of their gracious Lord above. Thus unity is all-important to be preserved; it is on this union, and a right understanding of this union, this one democratic power pervading each body, that we are to understand, and by which only we can understand, how this society could be kept together for the time they have. If questions were carried by majorities, if representatives could legislate upon them, regardless of the rest of the meeting, if they did not profess to require the unity or concurrence of the whole meeting, in laws which are to operate upon the society, instead of being united from 1671, or for more than 150 years, from the foundation down to the present time, they would have split into as many pieces as Joseph's coat was torn into. It is on that principle that the society is to be considered, in its Monthly, Quarterly, and Yearly Meetings. To show that I am right, I will beg leave to refer the court to some of the authorities, showing that these meetings were originally Monthly, and in process of time Quarterly, which were composed of Monthly Meetings; and members who were within a convenient distance, were expected to attend the general meeting. And here is a matter of some kind of importance in the progress of this suit. The general meetings had their origin, not from any representatives at all. The first and largest meetings that took place, were Meetings for Sufferings. Owing to the peculiar state of concerns in England, it was deemed necessary to have these meetings. They met, therefore, frequently; and of them we hear frequently; but previous to these, Quarterly Meetings had given their epistles, which being agreed on, these meetings took place. The first meetings therefore that were had, were meetings called together for general consultation, upon all the matters relating to the society.

We find a general meeting in 1659, another in 1671-2, but not in any degree of order till 1677. And in America, the first general meeting, 1671-2, in<sup>s</sup>Rhode Island, personally superintended by George Fox, at Pawtuxet; and thence removed to Baltimore. From looking into the origin of these meetings, and I refer to Gough vol. 2, page 163, and Fox's Journal, vol. 2, page 144, 150, we find that these assemblies, took place originally, without deputies; or if they attended, they were persons bringing epistles from their friends at large, stating their concerns. And here we shall find that the real object of the assembling of these people, by way of general meeting, was, the promotion of greater harmony and unity in the society all over the world. When they

first commenced establishing Yearly Meetings, we find by their books, that deputies were sent up, charged with concerns. The term deputies was used indifferently with that of representatives, as the writer happened to think of the one or the other. At that time, and I undertake to show, that down to this time, they were but the organs of communication between the two meetings. I think the court will agree with me, that my construction is the true one, from the authority to which the gentleman has referred us. I take the first volume of Clarkson, page 208.

“At length the day arrives for the Monthly Meeting. The deputies make ready to execute the duties committed to their trust. They repair, each set of them, to their respective places of meeting. Here a number of Quakers, of different ages, and both sexes, from their different divisions, repair also. It is expected that all, who can conveniently attend, should be present on this occasion.

“When they are collected at the meeting house, which was said to have been fixed upon in each division, a meeting for worship takes place. All persons, both men and women, attend together. But when this meeting is over, they separate into different apartments, for the purposes of the discipline; the men to transact by themselves the business of the men, and of their own district; the women, to transact that which is more limited, namely, such as belongs to their own sex.”

Also, pages 210 and 211.

“In transacting this and other business of the society, all members present are allowed to speak.

“The poorest man in the meeting house, though he may be receiving charitable contributions at the time, is entitled to deliver his sentiments upon any point.

“He may bring forward new matter. He may approve or object to what others have proposed before him. No person may interrupt him while he speaks.

“The youth who are sitting by, are gaining a knowledge of the affairs and discipline of the society, and are gradually acquiring sentiments and habits that are to mark their character in life. They learn, in the first place, the duty of a benevolent and respectful consideration for the poor. In hearing the different cases argued and discussed, they learn, in some measure, the rudiments of justice, and imbibe opinions of the necessity of moral conduct. In these courts they learn to reason; they learn also to hear others patiently, and without interruption, and to transact business, that may come before them in maturer years, with regularity and order.

“I cannot omit to mention here, the orderly manner in which the Quakers conduct their business on these occasions. When a subject is brought before them, it is canvassed, to the exclusion of all extraneous matter, till some conclusion results. The clerk of the Monthly Meeting then draws up a minute, containing, as nearly as he can collect, the substance of this conclusion. This minute is then read aloud to the auditory, and either stands or undergoes an alteration, as appears by the silence or discussion upon it, to be the sense of the meeting. When fully agreed upon, it stands ready to be recorded. When a second subject comes on, it is canvassed, and a minute made of it, to be recorded in the same manner, before a third is allowed to be introduced. Thus each point is settled, till the whole business of the meeting is concluded.”

But, still further to exemplify my position, that the repre-



sentatives are but the organs of communication between the meetings, and that the society is a pure democracy, I read Clarkson, vol. 1, page 232.

“This government, however, notwithstanding its power, has, as I observed before, no president or head, either permanent or temporary. There is no first man through the whole society, neither has it any badge of office, or mace, or constable’s staff, or sword.

“It may be observed also, that it has no office of emolument, by which its hands can be strengthened; neither minister, elder, clerk, overseer, nor deputy, being paid: and yet its administration is firmly conducted, and its laws better obeyed, than laws by persons under any other denomination or government. The constant assemblage of the Quakers at their places of worship, and their unwearied attendances at the Monthly and Quarterly Meetings, which they must often frequent at a great distance, to their own personal inconvenience, and to the hinderance of their worldly concerns, must be admitted in part, as proofs of the last remark.”

And page 233.—“This singular obedience, however, to the laws of the society, may be accounted for on three principles. In the first place, in no society is there so much vigilance over the conduct of its members as in that of the Quakers, as this history of their discipline must have already manifested. This vigilance, of course, cannot miss of its effect. But a second cause is the following. The Quaker laws and regulations are not made by any one person, nor by any number, even of deputies. They are made by themselves; that is, by the society in Yearly Meeting assembled. If a bad law, or the repeal of a good one, be proposed, every one present, without distinction, has a right to speak against the motion. The proposition cannot pass against the sense of the meeting. If persons are not present, it is their own fault. Thus it happens, that every law passed at the Yearly Meeting, may be considered, in some measure, as the law of every Quaker’s own will; and people are much more likely to follow regulations made by their own consent than those which are made against it. This, therefore, has unquestionably an operation as a second cause. A third may be traced in the peculiar sentiments which the Quakers hold as a religious body. They believe that many of their members, when they deliver themselves publicly, on any subject, at the Yearly Meeting, are influenced by the dictates of the pure principle, or by the spirit of truth.

“Hence the laws of the society, which are considered to be the result of such influences, have with them the sanction of spiritual authority. They pay them, therefore, a greater deference on this account, than they would to laws which they conceive to have been the production of the mere imagination or will of man.”

Here it appears, in direct terms, as clearly as language can convey the idea, that the laws are made by *all*, in Yearly Meeting assembled: and that there is no such thing as separate power, devolving upon the representatives, to be exercised over any other portion of the community. It is the act of the whole, because each individual’s will is incorporated in the law passed.

I read from Gough, pages 162-3, 2d volume.

“These were termed Monthly Meetings, because in the most general way, they were appointed to be held once a month; yet, as exigency, and multiplicity of business, in large cities particularly, pointed out the necessity of shorter intervals, some are held every two or three weeks, and some at greater intervals. They are also, in such places, composed sometimes of



the members of one particular meeting only; but most generally through the counties, consist of several contiguous meetings; and in this case, it is the practice in many places, for Friends of each particular meeting, to hold a Preparative Meeting, to inquire into the state of the society in that meeting, in respect to want, to general conduct, or to the sufferings of their members; and to appoint representatives, to report what may appear needful to the Monthly Meeting. Four or six particular meetings, usually compose a Monthly, or general men's meeting."

"These Monthly Meetings are fewer or more in number in each respective county, as the number, situation, and circumstances of the members in each might render most expedient."

"The setting up of Monthly Meetings, did not occasion the abolition of Quarterly Meetings; but the former, taking upon them the executive part of the discipline, which had before employed the latter, it appeared conducive to general benefit, that the Quarterly Meetings should still continue, as superintendent and assistant by advice to the Monthly Meetings. It was therefore agreed, that all the Monthly Meetings in a county, should, by their representatives, and other members, constitute the Quarterly Meeting for that county."

Here is authority as directly in point, as that which the gentleman wishes to rely on.

Now, having seen what is the opinion entertained in England, it may be well to see what is the opinion here. And really, I should not have gone into this examination, or produced these authorities, if the opposite party had adhered to their own discipline. For it is said here, pretty plain, that the Yearly Meeting of Ohio is composed of *Friends* west of the Allegheny Mountains.—(*Discipline, page 97.*)

"The Yearly Meeting of Ohio, was set off from the Yearly Meeting of Baltimore, and is composed of Friends west of the Allegheny Mountains. The first Yearly Meeting in Ohio, was held at Short Creek, in the year 1813. It is now established at Mount Pleasant."

"The Yearly Meeting is held on the first First-day in the Ninth-month. A public meeting for worship at the tenth hour in the morning, and another at the third hour in the afternoon. The meeting for discipline is opened at the tenth hour, on Second-day morning following. The Yearly Meeting of ministers and elders is held on the Seventh-day of the week preceding, and now concluded to be opened also at the tenth hour in the morning. The representatives from the Quarterly Meetings, both men and women, are annually to choose a clerk, and an assistant, at the close of the first sitting of the meeting for discipline, whose names are to be reported at the opening of the next sitting."

"Representatives having the care of the reports from the Quarterly Meetings, are to put them into the hands of the clerk to the meeting for the preceding year, before the opening of the meeting for discipline, in order that time may be saved to the meeting."

We must take the language of the Discipline as it is, and as it reads. We find in it, that the Yearly Meeting is not composed of representatives from the Quarterly Meetings, but is composed of *Friends* in unity and in membership; that they have the power, that they have the right to act.

Here, upon this subject, it might be well to call the attention of the court to the fact, that the testimony of all the wit-

nesses, except that of Bates, is, that they know of no power that the representatives have, over any other member. All lay it down as correct and true, that each member has an equal right to speak; and that his voice in speaking, whether to suggest, discuss, or oppose measures, is to be taken into consideration, equally with the rest; always making allowance for age over inexperience and youth, giving to wisdom its proper place; not a preference to persons, for their persons are on an equality.

A good deal has been said, in order to further the idea advocated by the opposite side, that it is a representative system, because there is a clerk, and he is appointed at a particular time, the Third-day of the week, or the Second-day of the Yearly Meeting, and continues till the next year. Now, a few words, I think, will place this subject in its proper light. The court is aware that the clerk has no business to perform out of the meeting. He is—and to show it, I shall call the attention of the court to some authorities—he is not the head, but the mere servant of the meeting. The representatives have no power whatsoever, except that which originates from the meeting, and is given them expressly. I am aware, that before this court, it will be contended that the representatives have power to appoint the clerk. But the counsel cannot be borne out in it, for the Discipline, page 98, has a different understanding.

“The representatives from the Quarterly Meetings, both men and women, are annually to choose a clerk, and an assistant, at the close of the first sitting of the meeting for discipline, whose names are to be reported at the opening of the next sitting.”—(*Discipline*, page 98.)

The true construction is, that they choose a person at the instance of the meeting, to be reported to the meeting—not to serve it.—This is not in the discipline. It is not to serve the meeting, it is to choose a clerk to be reported to the meeting—and they receive, or object. Such is the language and uniform course that has been pursued, according to the minutes. On Second-day, that is, the first day for discipline, and I wish the court to understand the case; by reference to the minutes, it will be found, that the uniform course, at the close of the first sitting, is, that at the instance of the meeting, the representatives are required to report the name of a suitable person to serve the meeting as clerk, for the ensuing term or residue of the annual sitting. The minutes upon this subject will bear me out.

“At Ohio Yearly Meeting, held at Mount Pleasant, from the 2d day of the Ninth-month, to the 9th of the same, inclusive, 1816.

“*Third of the month.*—Jonathan Taylor, on behalf of the representatives, reports, that they have conferred together, and agreed to propose Isaac Wilson to serve this meeting as clerk, and Joseph Fisher assistant; which is united with, and they appointed to the service.”

A similar minute will be found in pages, 5, 20, 29, 40, 56, 72, 94, 105, 106, 114, 126, 139, 149, 157.

The court will see that the meeting move the consideration of the matter; that is, at the second sitting on the first day of the meeting for discipline, or Second-day of the week, they move, and the representatives the next day make report;—all by the motion of the meeting—the whole body. They report a clerk or person, and the report is submitted to the meeting. If the meeting does not unite in the name, there is an end of it. Now, through the whole transaction, the representatives have travelled out of the original intent and meaning of their office, which was, to carry up and back, communications to and from the different meetings. Why? Because it is evident that it was done for the purpose of expediting business. And from being a practice, it was at length entered upon the book of Discipline, that the representatives should report a name. But the rule is still sovereign, that the society is a perfect democracy. The meeting, the whole voice of the meeting, and nothing but the whole voice, is sufficient for making a clerk, or other officer, for it cannot be done by the representatives, in their representative capacity.

The minutes to which I have previously referred, will be sufficient to show the uniform tendency of this society to do no act, except by the general concurrence of the whole meeting. But it is also urged, that the representatives have another power given them at page 98 of the Discipline, from which they act, and by which they are said to derive this control over the business of the Yearly Meeting. A declaration is made, that,

“Representatives having the care of the reports from the Quarterly Meetings, are to put them into the hands of the clerk to the meeting for the preceding year, before the opening of the meeting for discipline, in order that time may be saved to the meeting by a previous entry of the names of representatives. No representative ought to withdraw from the Yearly Meeting before it ends, without leave being first requested and granted.”—(*Ohio Discipline, page 98.*)

Here, is a mere declaration and recommendation of what is best to be done to save time. But it gives no power to the representatives. And in addition to this, if the court please, it might be well to consider for a moment, that, as we have seen here, in this case, the representatives have no power, only to act as the servants or agents of the meeting; so, in another important point, they have no power; that is, in the appointment of all the various committees, through which the business of the meeting is done, (and all the business is done in and through committees.) These committees are never appointed by the representatives, or out of the representatives; but they are taken indiscriminately out of Friends attending the Yearly Meeting: those who will make the best mem-

bers are chosen to serve. The appointments are never made by these representatives, but by the meeting at large; because the same unity is equally important there, as in every other stage.

Then, on what ground can the opposite party contend, that the Yearly Meeting is composed of representatives from the Quarterly Meetings; and that the power is in the representatives? The authorities which I have read, with the discipline and minutes of Ohio Yearly Meeting, prove the doctrine fallacious.

There remains now the other position taken by the counsel; and if this be no more tenable than the one which we have been considering, I should suppose the case at once decided. His other proposition is, that the clerk is the head of the meeting—a kind of moderator; perhaps hierarch or bishop—I cannot tell what ideas they entertain on this subject. I beg leave to call the attention of the court to an authority or two. In the first volume of Clarkson, p. 228, we read,

“The other remarkable circumstance is, that there is no ostensible president or head of this great assembly, nor any ostensible president or head of any one of its committees, and yet the business of the society is conducted in as orderly a manner as it is possible to be, among any body of men, where the number is so great, and where every individual has a right to speak.”

And the passage I before cited from page 232, is still more plain to the point:—

“This government, however, notwithstanding its power, has, as I observed before, no president or head, either permanent or temporary. There is no first man through the whole society, neither has it any badge of office, or mace, or constable’s staff, or sword.”

And in Gough’s history, vol. 2, p. 167:—

“Yet they have a clerk in each meeting, who generally undertakes the office voluntarily at the desire of the meeting, whose business is, to take down minutes of their proceedings.”

The language is very plain. From these authorities it appears, that it is not a representative power, but a democratic form of government. It further appears, contrary to the argument of the opposite counsel, that there is no such thing as a head, chairman, or moderator.

Having thus disposed of Mr. Goodnow’s representative system, and his head also, as it regards representation, I will proceed to a consideration of this case.

No man can more cordially agree with another, than I do, with the opposite counsel, as to the importance of the 3d section of the 8th article of the constitution. At the same time that I do this, however, it becomes my duty to remind the court, that there is another important section; that is, section 10, which says,

“No person arrested or confined in jail shall be treated with unnecessary rigour, or be put to answer any criminal charge, but by presentment, indictment, or impeachment.”

Now the present prosecution is under a statute making certain acts criminal, and making the party committing them, subject to be arrested, tried, and fined, without the interposition of any jury. The judge, in such cases, is both judge and jury. We conceive, if the court please, that the act of the general assembly of Ohio, page 197, was intended to secure those liberties, that is, the liberty of conscience—those rights recognised in the article of the constitution read by the gentleman. But we do not believe, (and therein consists the danger)—we do not believe that this law was intended as a means for one sect to climb into power over the heads of another, and thus become dominant through the arm of the civil law. The statute itself is one, that, it seems to me, should have been made, under great doubt and hesitation; lest while endeavouring to preserve the rights of religious societies, truly so, they might furnish means through courts of justice, for the more aspiring to trample upon the rights of their fellow creatures, and upon those great and imperishable principles on which our government rests. It appears to me, that when a case of this kind is brought before a judge who reflects upon it, he must consider it a statute, which, while it guards on one side, is open to great abuse on the other.

In the decision that is to be made, he is in danger of wreck from either Scylla or Charybdis. There is imperious danger. So much of this statute as is necessary for our purpose, is comprehended in three lines:

“If any person or persons shall, at any time, interrupt or molest any religious society, or any member thereof, or any persons when meeting or met together, for the purpose of worship, or performing any duties enjoined on, or appertaining to them, as members of such society,” &c.

Now this act appears to have been passed in 1824; but I think it was passed in 1816. It was for the prevention of low, vulgar individuals, disturbing camp meetings. They passed this law—and the true object is, not at all, or in any case, to hear and determine cases arising between people of the same denomination, who may be disputing about various opinions, and upon different subjects. But the true object is, to punish him, who, without excuse, for the purpose of the act, either wilfully, or by his determination, separate from guilt, interrupts, molests, and disturbs: such as idle persons going about to camp meetings, selling whiskey, for the purpose of intoxicating; or causing intrusion, by the shooting of guns, and engaging in plays, which might tend to disturb the meeting; or any other thing of a similar nature. The reason is obvious. Where an individual acts against a society, to disturb its

peace, he is subject to the punishment that is attached by this statute, to instances of the kind. It is obvious, from the summary manner in which it proceeds, that it was never intended to be used as a means of persecuting those who may differ in opinion. While the offence is warm, and the parties are at hand, complaint may be made before a justice of the peace, and no recognisance can be taken, if they plead not guilty. But even for a petty assault and battery, where the defendant pleads not guilty, he shall have his trial by his peers. But this is an instance in which all these rights are taken away. This act was passed in a sudden manner, in consequence of injustice done to a particular class of individuals; and its language was not so guarded as it ought to have been. But I hope it will not be strained, or made to bear beyond the true use and purpose of it.

What is the inquiry, and what is necessary to be established under this complaint? It is necessary that there should be the Yearly Meeting of Ohio. It must be assembled—it must be engaged in the performance of its duties. The Yearly Meeting thus assembled and engaged, must be interrupted by these defendants. If the Yearly Meeting of Ohio, of itself, gets disordered—if they themselves become divided—if they get into collision;—nay, if they go so far as to commit breaches of the law, by assault and battery, (as was the case in the instance of one reverend old gentleman, who is charged with assaulting one of his brethren,) if that be the case, this statute is inoperative, as I conceive.

As counsel for the defence, I consider this an important point in this question. Not but that a member of the society may become obnoxious to the penalties of this law;—not that individuals may not commit such acts as to make themselves liable; but in such cases the acts must appear to be wilful, and must be for the purpose of creating a disturbance, and doing an injury, or molesting those engaged; and not in the discharge, or under the colour of discharging duties as a member, however the member is greatly mistaken in his views, and has acted erroneously; yet if he be pursuing an object, which he conscientiously believes to be right, in that meeting, to carry this law into effect against *him*, would be worse than placing the Spanish inquisition over him. It is a great thing, that the mind and motive should be that which may be expected of a member, though, in itself, ever so erroneous. For if the society is, in itself, disordered, no one can say to another, that he has offended. There is no party that should have a law against the other. Each one, before the court, is on a par.

One of the members may disturb the body; but being disturbed, it cannot complain against itself, nor have redress



against itself, though that part may become such, as to require to be cut off, and cast from the body.

In the examination of this case, then, we conceive these considerations important. And keeping the following positions in view, we feel a confidence in resting this case with your honour. On these positions, or rather on each one of these positions, the conclusion will be found in favour of the defendants.

*First.* That the defendants were members, and constituent parts of Ohio Yearly Meeting.

*Second.* That the Yearly Meeting itself became divided and disordered on First and Second-days.

*Third.* That there was no individual act of disturbance, or molestation, by the defendants.

*Fourth.* The disorder was caused by the orthodox; or by both parties, and the peculiar state of Friends' society.

*Fifth.* The complaint is not supported by the facts, as proved, or by the provisions of the statute.

As to the first position, that the defendants were members, and constituent parts of the meeting, so far as regards Hilles, I presume there can be no objection. He was a representative from Redstone Quarter, attending there, not disowned, nor under dealing. There can of course be no dispute about him. The main inquiry is, as it regards Isaac James. Here, when proceeding to this inquiry, I am well aware it must appear to this court, that in judging of his membership, the court does not ask nor care, whether the orthodox Monthly Meeting, or the other, is the correct one. It is sufficient to the court, that there are two sets of Monthly Meetings throughout the whole district, with the exception of Redstone, which is undivided, and occasional cases where the whole are Hicksites, and therefore also undivided; with some others, where the orthodox are the dominant party. I take it, the court will receive and recognise all such as Concord, which Monthly Meeting does now exist—that if, *de facto*, that meeting is in existence, the court will recognise the members in this investigation. That, in a criminal prosecution, the court will not inquire into the legality, or technicality of the right of membership at all. They all appear, in a trial of this kind, as members. If the question were on the deed of trust, making them *cestui que trusts*, the question of rightful membership should be examined. But now it is not necessary; yet, inasmuch as the counsel has given the court an argument, in favour of disownments in that disorderly way, I shall trouble the court with a few observations on that question.

The doctrines contended for by the *plaintiffs*, I was going to say,—by the state, (perhaps more correctly it is the *plaintiffs*;) the doctrine contended for, is, that they have power, in a



summary way, in and through the Quarterly Meetings, to lay down those Monthly Meetings which are obnoxious to the views and tone of the *weighty* orthodox. And they thus turn the whole out by one general excommunication. I am satisfied they will not maintain this doctrine; it is untenable; they cannot get along with it. And the opposite counsel has made a more general assertion. For it appears, that a Monthly Meeting, without its consent, has been laid down by a Quarterly Meeting, and attached to another Monthly Meeting, and the individuals have been disowned. He contends that that is sufficient for all purposes, and that the proceedings stand good, the same as do the proceedings had in a court, and remain good and binding, till the aggrieved get a hearing before a higher tribunal, and a reversal of judgment. I conceive the comparison is no way applicable. If this court should undertake to lay down a justice's court, or if the supreme court should undertake to abolish this court, there might be some kind of parallel. Again, it is said, that it is like a judgment in force; but it cannot be likened, as is claimed, to any thing found in our books. If so, it works directly against the prosecution. For if a proceeding is of itself perfectly void, it follows that there is nothing to reverse: nothing of which the superior can take cognizance, or jurisdiction. So, if it should appear, in this investigation, that the meetings thus laid down, have no way of being heard, no such thing as a regular mode provided, which can give them a hearing, or any way by which they can come up to the superior, then the gentlemen have a case, where they have legislated without authority; and the whole proceeding is void.

We conceive that the proceeding is void from the Discipline itself.

“No Quarterly Meeting should be set up, or laid down, without the consent of the Yearly Meeting; no Monthly Meeting, without the consent of the Quarterly Meeting; nor any Preparative or other meeting for business or worship, until application to the Monthly Meeting be first made.”—(*Ohio Discipline*, p. 29.)

Here it appears necessary that application be made from the Monthly Meeting, and that the Quarterly may assent to, or reject the application. If the convenience of the members of the Monthly Meeting, requires that it should be laid down, and the members attached to another meeting, at a different place, they are the best judges of the fact. And where the Monthly Meeting makes application for such purpose, the Quarterly has the right to withhold, or give its assent. But this never can give them power, to do what they have attempted in the case under consideration. It never was intended. It cannot be. It has nevertheless been claimed, that at page 28, there may be some right of the kind conferred.

“The connexion and subordination of our meetings for discipline, are thus: Preparative Meetings are accountable to the Monthly; Monthly to the Quarterly; and Quarterly to the Yearly Meetings: so that if the Yearly Meeting be at any time dissatisfied with the proceedings of any inferior meetings; or a Quarterly Meeting, with the proceedings of either of its Monthly Meetings; or a Monthly Meeting, with the proceedings of either of its Preparative Meetings; such meetings ought with readiness and meekness to render accounts thereof, when required; and correct, or expunge any of the minutes, according to the direction of the superior meeting.”—(*Ohio Discipline, p. 28.*)

This is a provision for the acting and doing of these separate inferior meetings. Their reports should be sent up, from Monthly to Quarterly, from Quarterly to Yearly Meetings. And whatever is repugnant to the discipline of the society, or that which is not decorous before the eyes of the world, or which is liable to any other similar objection, they may direct to be expunged from the proceedings of that meeting; but they cannot lay the meeting down, because there would be no way for it to get up. It could not appeal, because it could not be a party present. There is no way of appeal. Then the clause of Discipline in question, must apply to the different acts and doings of the inferior meetings, in the transaction of their business; it cannot relate to an act that is of such sovereign power as the annihilation of Monthly Meetings; and for this reason—they could not appeal. It is clear, for the language is express and direct, that no Monthly Meeting shall be laid down without its own assent. And the laying down must be on its own request. Shall the power then be gathered from mere construction, when the language on the other side is express and direct? Had such authority been intended, would it not have been expressly provided by the Yearly Meeting, that Quarterly Meetings should have power to put down and set up Monthly Meetings? The express declaration to the reverse, is proof positive of the true understanding that the framers of the Discipline had.

Another consideration is, that the book of Discipline provides for each individual; for he is accountable to his own Monthly Meeting, and if he is aggrieved, he has a right of appeal. He may appeal to the Quarterly Meeting, and from the Quarterly to the Yearly Meeting. We see that great care has been taken, that no injustice shall be done to a single individual, from the lowest, and most inferior meeting in the society, up to the Yearly Meeting. If that assumption of power could have been contemplated, would there not have been some provision for these Monthly Meetings, by which they could have redress? I do not know that a lawyer would express himself thus; for how could a Monthly Meeting appeal, when out of existence? How appeal, when the body of its members is gone? They are appertaining and belong-

ing to another meeting. There is no provision in the book of Discipline by which an appeal could be made.

There is another reason why the construction cannot be as suggested by the counsel. There is a list of annual queries, addressed from the Yearly Meeting to the different Quarterly and Monthly Meetings. Here Mr. Hubbard referred to the Discipline, from page 76 to 79.

Now, I would agree, if this Discipline were like the London Discipline, in which power is given to set up and lay down, there would be some way to get hold of the subject, for there, the power to lay down, is founded upon an express stipulation in their Discipline. There is an express stipulation to that effect. They found an evil—those who wished to rule and to arrogate power, found others not agreeing with their great and sovereign will. And there was a provision made, by which the Quarterly could lay down; and the right was assigned them to put down or set up. Hence follow the queries, requiring the Quarters to state the number set up and put down. And it may be a matter of useful history, to refer to the case which led to the alteration in that respect. But before I leave this subject, I will just state, that so important a matter, not having been stated in the Ohio queries, it must be evident, from that consideration, that the framers of this Discipline never dreamed of such a thing. And I infer, that it would be an outrageous provision, and that it would go counter to a fundamental principle, in this government, by seeking to destroy a united body of people, to gratify some arbitrary views. As it regards the individual rights of members of the society, from the highest to the lowest, as well as the right of usurpation by these people, of the power to lay down a Monthly Meeting, I will refer the court to an extract from an old book, published 1761:

“The 24th, we visited those under our profession at Cotefhill-head, called a Monthly Meeting; but, alas! upon inquiry, we found but very little done of the business proper to a Monthly Meeting; neither was it held in due course, but rather occasionally, for some particular purposes; and when the state of the members appeared, we did not marvel thereat, seeing most of them were unfaithful in regard to that important testimony against tithes, and other anti-christian demands of that nature: other great disorders also had crept in, nor can any other be reasonably expected, where persons are so void of a right understanding as to sacrifice that noble testimony; they have not strength to maintain other branches in a consistent efficacious manner, so that where this defection hath prevailed, we have observed the most essential part in religion (amongst us as a people) has fallen with it: meetings for worship and discipline are neglected, and if sometimes held by such, they are to little good purpose; plainness and self-denial are departed from: this hard, dark, tithe-paying spirit is so blind as to see but little in any branch of our testimony, wherein there is a cross to the carnal mind. Upon solid consideration, we did not think, that using endeavours to regulate that meeting, in its situation at that time, would

answer any good purpose; but the great thing pointed out to us in the light of truth, was, its being dissolved, and that the members thereof might be joined to Hertford Monthly Meeting, which had been endeavoured for several years, both by their Quarterly Meeting, and also several committees of the Yearly Meeting, which had not, till now, proved successful, as the consent of most of the members could not be obtained: but this meeting, through divine favour, was wonderfully overshadowed with a solemn weight of heavenly power, which awed and tendered their spirits, and at the same time mercifully enabled us clearly to demonstrate, that they contended only for the name of a Monthly Meeting; seeing the service of such a meeting was not answered, scarcely in any instance, they at length generally yielded, and a minute was made to propose a junction with Hertford, which is since effected, to the great ease and satisfaction of Friends."—*John (Griffith's Journal, p. 313, 314, 315.)*

It seems they tried for three years, but they could not do it, till they persuaded the Monthly Meeting to make a minute; and that is the true old constitutional form, which shows, conclusively, that the Monthly Meetings should agree, and make the application. This book of Discipline, then, has never interfered with these old constitutional rights.—In page 29, they have recognised them; for it is only on the application of the Monthly Meeting, that it shall be laid down:

Another consideration shows the absurdity of the position. A Monthly Meeting exists, first, by the general unity of those who compose it; secondly, they have a place of worship, property, grave-yard, &c., and when Friends are entered, or centred in such a place, purchased by their own property and money, it may be entirely separate and distinct from the Quarterly and Yearly Meetings. Then it is proper to be considered, if such tremendous power existed, as to lay down and attach it to another, it lessens their interests there, by putting others in common with them, and making other *cestui que trusts* equal with themselves. Consider for one moment, if they had the power to lay down Concord and attach it to Short Creek, if Short Creek should happen to be as offensive as Concord, they would go still further; if three miles would not answer, they might send them a hundred miles; the power would have no limit. And we see, that great and dangerous evils would be attendant on the exercise of it. We see from the whole constitution of this society, that the Monthly Meeting must be agreed. At Concord, so far from their being agreed, four-fifths were against it. There was no unity in the measure. It was not carried, nor attempted to be carried in that meeting. There is still one other consideration, independent of those which I have stated. A case may arise, for there is nothing to prevent it, of a Quarterly Meeting's being composed of two Monthly Meetings. Redstone was, for a long time, composed of but two Monthly Meetings; now if the Quarterly had a right to lay down, they would make a great sacrifice, for by laying down one they would lay down

the two, Monthly and Quarterly both. This, in connexion with the other consideration, must place the question beyond doubt. The proceeding in reference to Isaac James, then, was altogether void; and his right of membership has remained as entire, and as good as ever. And he is as much in unity with his meeting, as if they had not taken one single step towards the matter.

We now proceed—having established the position, that the meeting at Concord has continued to exist, since these troubles commenced—that that Monthly Meeting could not be laid down, without its consent—that the same meeting, *de facto*, has ever since continued;—we now proceed to see what was the division and disturbance at the Yearly Meeting—to see if that meeting was not itself disordered. I think I shall be borne out in the assertion; that the difficulties of that day had their origin at a distance; that the situation of the society was a remarkable one; that to a large extent, they were, in the place of unity, getting to be in disunity; and that estrangement had got into the society. It is no matter who was right, or who was wrong, in the consideration of this court; but it is evident that something had got so far spread over the minds of the people, and over the whole society, that it was ready and ripe, of itself, to divide and crumble to pieces. An old author, I think Douglas is the name, in treating of the society of Friends, has said, that he had no doubt they would become a very large and numerous body of people. He was speaking of the doctrines of Friends in a most creditable manner. One reason which he assigned, was, that they had no creed, or standard, laid down, from which a deviation could be charged. He states that their system is purely democratic; that no law could pass while any of the members were opposed to it. He thought it might endure to the latest posterity, and become a very large society.

It is supposed by some, and probably not without cause, that one great reason of this split, is, an attempt to force the opinions that some entertain upon others; and a determination that they shall adopt them. One thing is certainly evident; that it has been accelerated by the high-handed measures of putting down Monthly Meetings, and of keeping the committee for sufferings in almost constant sitting, sending its members from meeting to meeting, to further the views of a dominant party. This has been no uncommon occurrence. It is, furthermore, in evidence, that a certain publication from Indiana, called "A Testimony and Epistle of Advice," has caused a great deal of the distraction. As I understand the evidence, the party called Hicksites never wished to control the opinions of others, or that others should adopt their opinions; but they wished to enjoy their own opinions. As the descendants

of Fox, they wished to entertain their own opinions, and let them be adjudged between themselves and their Maker.

This epistle, containing a written direction in the introductory part, from the Meeting for Sufferings of Ohio, insisting that the Quarterly and Monthly Meetings should adopt it, was supposed to be in contravention to the Discipline, which says, the committee for sufferings shall not adopt any article of faith or discipline, not determined on by the Yearly Meeting. This document was sent out too, at a time, just after this meeting had expressed unity with those whom it seeks to condemn. I mean the Yearly Meeting of 1827, in which all the members of this society, and those who met at the Yearly Meeting in Mount Pleasant, were in unity with the same man, and set of men, whom, by the Indiana epistle, it was sought to condemn. I take it, and those who will examine, will find it so, when the Yearly Meeting of Ohio is in unity with another Yearly Meeting, it is in unity with all the regular ministers and elders of that meeting. Now, we see, that previous to this affair, the same doctrines preached in this house, and preached elsewhere, by this same Elias Hicks, were adopted and received, all in perfect unity.

A proceeding had taken place in the city of New York, in which a portion of the members had become opposed to the great body of the meeting, and had seceded, and gone off to a masonic hall, or a medical hall. A small minority had gone off; the rest remained upon the ancient principles of the society; and among them was Elias Hicks. In the spring of this last year, without waiting for Ohio Yearly Meeting to assemble, and to consider the subject, according to the old rule, certain individuals, who had become parties to a religious warfare, had determined, it appears from the evidence, to espouse the cause of those who had seceded, and unite with them as many as they could, to carry the day here. Such, I believe, is the history of this matter; and hence it is that we see such great assiduity to keep deputies from the committee for sufferings, constantly travelling. For, go where you will—to New Garden, Short Creek, Salem—the prosecutor, Benjamin W. Ladd, is there, ready to urge and push down; and if he could not do that, he would resort to the law, and see what he could do then. This is what appears to me to be the true state of the case.

This Indiana epistle has been considered, by a great portion of the society, and I speak on testimony, when I say, that a majority of the Yearly Meeting—I do not speak of those who divided at the meeting house at Mount Pleasant—I speak on testimony, when I say, that a majority have considered it a breach of discipline, and a matter of conscience, so much so, that they could not recognise it. Consequently, where



they could not agree, without waiting for the sense of the Yearly Meeting, without any time being allowed—immediately follows the destruction of Monthly Meetings, and the turning out of every body who could not bow to this unauthorized dictation of the Meeting for Sufferings.

I take it upon me to say, that the observation of my friend Goodnow, on the opposite side, was a very strange one, and one which struck me at the time, as entirely out of the case, and not necessary to be brought in here, for the purpose of producing an effect. “I can no more understand the doctrines of Elias Hicks, than I can those of deism.” Now, I supposed he had never examined the doctrines of Elias Hicks, and I feel convinced that he never has. Indeed, he acknowledges that he has not.

Now, concerning the matter that has been read by him, from the “Testimony and Epistle of Advice,” in a work printed by Elisha Bates, in relation to a periodical work called the Berean, I must say, that although I have heard a great deal about garbled doctrines, spurious doctrines, &c., yet, I never saw so outrageous and garbled a statement as is there exhibited. In the one short extract that we have heard, there is a quotation of parts of a sentence, and parts of expressions, taken from three different pages of the book, far separate, not showing the context, connexion, or dependence. I was undertaking to show that the same Indiana epistle, being spurious, was one cause why it would not be good authority here; and another cause is, that it quotes third-handed from the Berean. The sentence thus garbled, is such as no Christian could take exception to. I have read the article through carefully, and the Berean, from which it is quoted, will not sustain any such position. When a person undertakes to quote an author, and puts words into his mouth, as conveying his meaning, for the purpose of condemning him, he is without excuse. And this is the way they have done towards Elias Hicks, and the whole society. I wish the court would examine this matter; for a more garbled piece of business I never saw.

This piece of testimony to which I have alluded, was the cause of doors being barred, and of meetings being laid down. They could not receive it. They said it was untruth. That was the opinion entertained by Concord Meeting. The consequence was, the laying down of that Monthly Meeting, and the barring of doors. Was not the objection a good one, and such as all members ought to make, when they were in unity with the same author, who, by a garbled quotation of his sentiments, was sought to be condemned? Now the Discipline has stated distinctly—and it is a very good thing as a precautionary measure—that this Meeting for Sufferings shall adopt no rule of discipline, or article of faith, unless first sanctioned



by the Yearly Meeting. But the act which they undertook was one of supererogation, and most likely arose from a spirit of ambition. I undertake to say, that there has been ambition in this, as well as in politics. When the court comes to take this, and look at it, particularly at the address at the forepart of it, signed by Jordan Harrison, clerk, his honour will find that it is contrary to the book of Discipline, and in contravention to the provision that has been read.

I know, and perhaps I ought to advert to it, that the gentleman has taken up the book of Discipline, where it is said, no individual shall blaspheme, or deny the divinity of our Saviour. To this, let me say to the court, and to the world, that I have been well acquainted with that portion of the society of Friends, to which these defendants belong, and never did I, in a single instance, hear one of them say aught against it, or advance any doctrine repugnant to it. Nor, in the reading that I have past, in the doctrines of Elias Hicks, did I ever see a doctrine contrary to it. This much I have said in reference to the use that has been made of this provision in the book of Discipline. I have heard that old gentleman preach; and in his discourse, heard him acknowledge the divinity of our blessed Saviour, and encourage it on his hearers, as much as I ever heard any one, in all my intercourse with Christian professors.—Why put this at us? Because the society is divided, and one division is loaded with opprobrious epithets, this is thrown in here, to add to the unpleasant feelings already existing.

This Indiana epistle, I say, has created great disturbance, and I think it is not warranted by the Discipline; besides, it has been shown to be untrue. Yet this document has been urged against those who were born members, and have continued to sustain irreproachable characters among their brethren. They have been turned out, because they had read the sermons of Elias Hicks, with whom they and the whole Yearly Meeting were, but the year before, in strict unity, as well as at the time of such reading. But, having read this book, and not seeing the evil which it contained, they have been turned out, because they had not the ability to discover as much as Benjamin W. Ladd could.

Then, if the court please, the state of the society had become such, that a great deal of unpleasant feeling and estrangement had spread itself over the whole extent of the society, and over the United States, with the exception of Baltimore Yearly Meeting, the whole of which is yet in unity with the old New York Yearly Meeting, and was at that time in unity with those who afterwards went off from the old Yearly Meeting house. This estrangement had extended itself so generally, that it may account for the occurrences in Ohio, without

supposing a conspiracy, which the gentlemen wish to make out. The dealing unfairly and improperly with these persons, may have been the reason why their feelings were in that state, that they were not proper nor fit subjects to meet together, as members are wont to do, in peace and harmony. I take it, that on this ground, the intimations of conspiracy are entirely unsupported by proof. The whole thing is explained. One party was resorting to these arbitrary measures, while the other resorted to none. The party named Hicksites, whatever opinions they might have entertained, have exhibited a life and conduct, worthy of the descendants of Penn. They have not barred their doors, nor undertaken to exclude men, because they had not knowledge enough to understand where the evil was, in a book which they had read. It is not the mode resorted to, or ever likely to be pursued by them, to carry one single point, for all are by their life and conduct directly opposed to it. But in this respect, the distinction between them and the other party is such, as may account for the division in the body.

Then I proceed very briefly to the consideration of the third position, as it regards the individuals themselves. There is no individual act connected with them, as disconnected with the others, in the meeting. When the orthodox were pushing one way, and these the other, and also those who had no business in the meeting, and who went off with the orthodox—such as Jacksonmen and orthodox people not members, is it not time to look for a cause in the other party?

But, taking the incipient stages of it, and through the whole transaction, we cannot discover any single act, proved against either Hilles or James. From the testimony of those who appear against Hilles, B. W. Ladd and Jonathan Taylor, even from the testimony of those nearest to him, it appears that it was against his will, or submissively, that he walked up the alley; and whenever he found any resistance, he stopped. He stopped at the stove, and wrote an opening minute; for the people had got into such a state, that no man could keep his place; they were shoved here and there. When Hilles was found, he was quietly seated on a bench, in the back part of the house. He is a man of unblemished character, so far as his Christian character and connexion with the world may be here considered. In a criminal case, suspicion is not to take the place of proof. He is without reproach. He was perfectly quiet and inoffensive in proceeding as he should do, in discharge of his duty, as clerk of the meeting, when the drawer was brought to him.

So, in the case of Isaac James; there was no act proved upon him, for disturbing the meeting. He was one who was there with the rest, and one who, from the testimony, differed from

the orthodox; but as it regards any movement or procedure as touching this complaint, he is not a party to it. It is in evidence that he worked his way along, and was found getting over the railing; but this was at a time when the whole assembly were in perfect confusion. He attacks nobody, he uses violence to nobody; but even Benj. W. Ladd seizes hold and gives him a push. Now in the whole transaction there was not so much of a departure from what is right in James, as in B. W. Ladd. I therefore put all this out of the question; for this happened during the tumult. The disturbance of making a new clerk was over before that; and as the disturbance was over, before James was seen climbing over the bench railing, I say he was not a party.

If French was a party, in a conspiracy connected with Hilles, and that was to disturb the Ohio Yearly Meeting, or any act connected with them as members of the society, it would be a different case. But not only is such inference untrue; but is disproved by French himself. He says, there was no understanding or connexion between him and the rest—neither Peaslee nor any other distinguished person on their side. There is no individual act touching him. We must then look elsewhere, and in so doing, we must refer to the proceeding as it took place, by which we shall find, that others were the ones acting in person, who were executing such duties as they conscientiously thought devolved on them, as members of Ohio Yearly Meeting. Then, in addition to the state of the times, was the feeling of which individuals were possessed; feeling more or less of unfriendliness towards others who came together on the first day of the week. There, Peaslee, an approved minister of the gospel, one who has enjoyed, and still enjoys a very high standing in the Christian world, was, on the afternoon of that day, violently opposed by Taylor. Taylor had been one of the two hundred, who seceded from the society in New York. He opposes Peaslee, and tells him to sit down; and, at one time, these ministers and elders had so little unity, that Elisha Bates and others broke up the meeting and went off.

Now this is a matter of serious import. Elisha Bates testifies, that if Amos Peaslee had been a regular minister, and no disownment, or cause of disownment existed, and had been treated in the way he was, in any other state of times than these, the act would have been very disorderly, and Taylor would have probably been displaced. This was while inquiring of him, upon his cross-examination, as to the conduct of Peaslee. A great portion of the assembly, at least six hundred of them, thought it unwarranted, and altogether disorderly. The book of Discipline says, page 53,

“As the occasion of our religious meetings is solemn, a care should be maintained to guard against any thing that would tend to disorder or confusion therein; when any think they have aught against what is publicly delivered, they should speak to the party privately; and if any shall oppose a minister, in his or her preaching, or exhortation, or keep on the hat, or show any remarkable dislike to such, when engaged in prayer, let them be speedily admonished.”

What was it that should induce one side to a deviation from this advice, for difference of opinion, the meeting not being otherwise divided? What could induce one side not to extend the same charity, that was extended towards them by the other party? They did not undertake this course, to put down persons who did not think with themselves.

Then this disturbance commenced on First-day. No individual that is charged here, was a party to that disturbance; they merely sat there in silence, no doubt feeling aggrieved, that such an attack was made on so worthy a man as Peaslee.

It seems, that on the night previous to the day on which the members of this Yearly Meeting had been accustomed to meet, the house was garrisoned—they kept watching; they kept up their nightly vigils, until the hour should come round for the meeting to convene. And not only so, but the Indian committee must take possession early in the morning, although they had adjourned, to meet in the afternoon of that day. Notwithstanding this formal adjournment, by some strange mistake, they met and took possession of the house at eight o'clock in the morning.

What was done all this time by the other Friends? They have been examined, and cross-examined, with all the ingenuity for which the opposite counsel are so remarkable; and from all this, it appears that they held their meetings and conferences, in which they concluded to go to meeting, as they had done heretofore. They knew that a Meeting for Sufferings had been gathered from all parts of the world, and they met to consider their desolate situation. It was desolate, certainly, to be turned out of doors, barred, and locked out. And from appearances, they were afraid the same result would happen the next day. Had they not grounds then, when this whole train of evils was brought upon them, for consultation with each other, as to what was best to be done? Not what *they* would do against others; for they were not disposed to do any thing against them. It was thought best to assemble in the yard, and there, to consider what further should be done. And if they could not gain admittance quietly and peaceably, they would retire to the old meeting house, and there worship their God, according to the dictates of their own consciences, in quiet. And this is nothing but what any citizen may do. For the constitution says, that people shall have a right to

meet together; and if politicians may meet, it is strange if religious individuals are to be denied this inestimable privilege. This, by the by, was not the view of the whole party; there were some one, two, or three, who were disposed to pursue a different course. They talked of it with no secrecy, but their design was expressly negatived; for Friends were determined that no violence should be offered.

Well, Second-day arrives. Very early the house is filled; and after much hinderance and difficulty, Friends get in. But all the high places are previously occupied. Nathan Galbreath and others, venerable men, who had been accustomed to sit upon the higher seats, finding that all these seats were occupied, sat down quietly, upon other seats. Having got into the house, the meeting, according to usual form and order, became quiet and calm. It was then a proper time for any motion to be made.

Israel French, a man of high standing in the society, one who had never been disowned, and against whom naught can be said, rose and made a proposition. It was properly made, as we have seen, heretofore, from good authority, and the reason of the case. We have also seen that the clerk is but a mere servant of the meeting, that he only executes the mind of the people. We have seen, from the Discipline, that his term of service cannot arise, except from the next day. This proposition, on the part of Israel French, was at a time when the meeting was in order. It was made in order, on his part, and was properly before the meeting. I know it has been contended, that this was disorderly. I am not certain but that one, or perhaps more, of the witnesses on the opposite side may have said that it was out of order. But we have from fifteen to twenty witnesses saying, it was not out of order. And I venture to say, that neither this court, nor any other person, can hesitate for a moment to pronounce that it was in order.

A supreme body, being there assembled, with supreme power, to all intents and purposes, a perfect democracy, had a right to carry their will into execution. And any individual member had a right to submit a proposition for the consideration of this meeting. Here, I will now ask, lest I forget it, notwithstanding all that has been said, and can be said by the other party, as to its being erroneous: can that proposition, under the law of this state, be considered a proposition to disturb that meeting, by reason of its irregularity? If so, and if that is to be a precedent, must not every member take care, at the peril of fine and imprisonment, how he brings forward a proposition not technically right, before lawyers and a court? We contend it was altogether proper. We contend that it was so, not only for the reasons that I have stated, but; from

precedent. The case in Indiana was one in which the clerk was present, and the proposition was made to appoint another, on account of the disability of the clerk. It has been suggested that the clerk himself requested it. But that does not alter the case—it does not alter the case a whit; for the power and the right are the same. That incident in Indiana shows clearly and conclusively, that the appointment of a clerk was the act of the meeting, and that they were the proper persons. It shows the truth of the position, that if there is a disqualification on the part of the member, or the clerk, it is proper to propose another in his stead. It is proper, if there be any disqualification; for, it is a legitimate matter for the meeting. The position of the meeting's having jurisdiction, is, therefore, correct, and the opposite counsel cannot escape it. There was an instance in this Ohio Yearly Meeting, where the power was exercised in the same summary manner. The clerk was not present, and the meeting had the power to appoint another, and exercised it. But we have other cases—one in Smithfield. There, there was a disqualification not known to the great body of the meeting. It appears that the persons who acted upon this question, were not at the time acquainted with the nature of the disqualification, but found out afterwards the charges alleged against the incumbent, who was superseded. But there is another case testified to, by the witnesses for the prosecution.

In Philadelphia Yearly Meeting a proposition was made for the meeting to appoint a new clerk, and having considered the proposition, there was a division of sentiment in the society, so that they could not agree—there not being unity, the old clerk continued. This is in perfect accordance with, and goes to exemplify, what I have stated—that the opinion of the society is gathered by unity of expression; that is, by the number of voices uniting in the affirmative; those who say nothing are also considered as in the affirmative. Here, then, in Ohio, if there had been a general objection to French's proposition, they all tell you, there would have been no uproar, because it would have passed off as other propositions have, in the Yearly Meeting. It was, therefore, the duty of those opposed, to rise and object to the measure, to have given their voice against it. But instead of that, they did not, as we shall see.

But if a further instance be wanted, I will call the attention of the court to the case at Concord, (or New Garden) where the clerk was superseded. There the clerk was seated at the table—was in full membership; and a member rose and moved that another be appointed in his place. Will the gentleman now undertake to make a distinction whether the clerk be in the house or not; if so, it will be exploding the idea, that the



clerk is the head of the meeting; though that idea was exploded long ago. Then, if the clerk was at the table, and was about to read an opening minute, or had read an opening minute, and a proposition was made that the old clerk should be displaced, and a new clerk appointed in his place, and this was united with by the meeting, the right to do so was adjudged by that meeting.

From all these cases that have happened, from the consideration of the supreme power of this meeting, and the democratic form of it, which all go to prove, that there was no impropriety in submitting that proposition, we do conceive, that it was regularly submitted, and properly before the meeting, when it proceeded to business.

The next inquiry is, by whom was that proposition made? It was made by Israel French. The proposition was received by the meeting. What meeting was it? It was the Ohio Yearly Meeting; for up to that time Ohio Yearly Meeting was not divided. Being received by Ohio Yearly Meeting, how did they dispose of it? They united with it, according to the usage of the society. I am aware that one of our own witnesses testified very feelingly and honourably, that he supposed at the time, none of the orthodox did concur in the sentiment. We have not that to judge of. We, sitting here, are only to say that it was, as appertaining to the members of Ohio Yearly Meeting—the opinion of the great body of the people, so far as expressed, was altogether in favour of this proposition. Was there any objection? Most of the witnesses did not hear any. The objection, if any, was so small, that the unity was as great as was ever known to be expressed in the Yearly Meeting. It was entirely carried, fairly and regularly, according to the usage of the society, before the second proposition was made.

Who was the second proposition made by? By one of the regular members of Ohio Yearly Meeting, who had never been disowned by even the belligerent party. He named David Hilles as a suitable person to supply the place of Jonathan Taylor. This was received in like manner, according to the custom and usage of the society, by voices uniting in it. And there was no objection except by two or three. The opinion was full as great as ever was known in that meeting. As I understand their proceedings, when there is a small objection to a large expression, it is considered a unity, unless those objecting are determined not to give up; or insist on advocating the converse of the proposition. But further, Mr. Israel Updegraff was mistaken, when he said that none of the orthodox united: for it is in testimony that Daniel Burt did unite with the others, in the nomination of David Hilles. Nothing is more reasonable than this: for, notwithstanding the angry



feelings that prevail, yet there will be found, on both sides, those who are willing to do something for restoring peace. The day before, Taylor had done much against Peaslee; and it was perhaps Burt's wish, to heal, if possible, the difference in the society. I see that some smile at this affair, as though there were no charitable feelings existing in those of the orthodox party, during the pendency of this strife and division. Surely it would have been better, if they had all been influenced by the same feelings: for the way was open to the appointment of David Hilles, a reputable member from Redstone, a Quarter not divided, thus to reconcile their difficulties in peace and unity. There is no doubt that under these feelings Burt did unite. Elisha Bates himself, the leader of this party, says, that Burt has always been known to be a Friend. And we know by that, that he is known to be orthodox. Smith proves the same thing. Here then was a unity composed of persons of both sides, and others than those termed Hicksites. There is not a particle of testimony before this court, that goes to prove that it was only the Hicksites, or anti-orthodox, that supported this proposition. The court cannot judge except by and from the testimony. It is evident that there was a general unity all over the house. Now the witnesses that testify go along with my position. Observe that, of the old steady members, and it will be found that the proceeding was perfectly in order. Take the testimony, for instance, of Levi Pickering, a man of age and experience. He says he paid particular attention; and that the manner of saying "I unite," "I unite," was orderly. Sometimes there were several voices heard together, as it was a large assembly, and many were agreeing to it. But none repeated it over, but two, one of whom, as it is stated by his orthodox brother, repeated it three or four times. He just came in and went out. We could not say whether he thus united in but one, or in the various propositions. The testimony designates two persons, and Daniel Burt is one of them.

Levi Pickering and Elisha Bates cannot say, whether it was before or after they had done uniting in the nomination of Hilles, that Taylor, disregarding the usage of the society, and the feelings of those assembled in the house, whose feelings had been lacerated by the course put in operation against them, commenced a disorderly reading of the opening minute. Thence one thing followed another. Those who considered the meeting as having united—those who considered that the meeting had, in a quiet and orderly manner, united in the nomination of Hilles, conceived that Taylor was acting disorderly and improperly: and it so appears in the testimony. It was from one thing to another that the disturbance arose. And I say the commencement was on the part of Taylor. Let

us reverse the thing, and place the Hicksites in the galleries, and the others down below; and suppose then that the Hicksites had undertaken to read an opening minute, Benjamin W. Ladd & Co. would not have waited to go to Steubenville. They would have sued out an action before the first magistrate they could find; and they would have sustained it. And if the clerk had done as Jonathan Taylor did, they would have done right to prosecute. There would have been greater ground than there is in this instance, and so it would have appeared to all these orthodox people, because their prejudices would all have been enlisted on their own side.

Court adjourned till 9 o'clock, A. M. to-morrow.

*Thursday, October 23, 9 o'clock, A. M.*

*Mr. Hubbard in continuation.*—At the time of the adjournment, I was proceeding to show, that the proposition, as submitted by Israel French, and the nomination of Hilles, were in regular order, according to the usages of the society: and that, being propositions made according to the usages and customs of the society, by a portion of that society, before the separation, their adoption was an act of the Yearly Meeting. In addition to the reasons I have given, why this proposition was correct, I will at this time refer the court to the witnesses who paid the most attention, and who have thrown the most light upon the subject. These are Levi Pickering, David Scholfield, Israel Updegraff, Israel French, James Tolerton and Jehu Lewis, all of whom testify that the proposition was made previous to reading the opening minute: that it was made when there was nothing else before the meeting: that it was received by the meeting, and there can be no separation of parties at this time: that it was united in by the meeting in the usual way. These witnesses all testify that before the meeting had quite done uniting, and while some voices were still saying, "I unite," the old clerk commenced reading the opening minute.

I am aware that Joseph Updegraff and Elisha Bates have both testified, that they are not certain, whether the opening minute was read just before, or after. Taylor feels pretty confident, that he had commenced reading the opening minute, at the time the nomination of Hilles was made. There is another point of view that I consider material. It is this. That all make out the position undeniably, that the meeting had united in the proposition to displace the old clerk, and to substitute another, before the opening minute was read. And that proposition having been united in, the old clerk was entirely out of order, in proceeding, even if he read at the time Taylor himself says he did read. But, in my view, as there is but one witness, and that Mr. Taylor, who thinks that the

opening minute was read previous to the nomination; and as there are so many other witnesses of great candour and understanding, who say, he read it while they were uniting in the nomination of Hilles; I am inclined to adopt the testimony of these numerous witnesses, rather than that of Taylor, as he must have been discomposed at the time. From my knowledge of Mr. Taylor, I have no doubt he is a quiet, honest, inoffensive man: and that while they were uniting, others said to him, go on; and if the truth were known, he probably went on, contrary to his own will, being urged to proceed, by Bates and others who sat near by him.

Now the proposition for displacing, on the ground of disqualification, be the cause good or bad, should be disposed of before any thing else is taken up, as is shown by the testimony, and the nature of the society. We are supported in this position by the authorities I have read, but to which I will refer the court again.—(2d vol. *Gough*, 167. *Clarkson*, 2d vol. 210, 211, and 228.)

Now these authorities are in support of the testimony of the witnesses, and show this point clearly; that when a proposition is brought before this meeting, which is a clear democracy, it must be disposed of, before any thing else can be introduced, or taken up. This, then, being the case, it must be evident, from the usages of the society, as testified to, and from the authorities, that Taylor was the one in error, in reading the opening minute. I know it has been asked in relation to this point, how was it to be done? How was this proposition to be entered, if the clerk were displaced? This is easily answered, from the very nature of the transaction: the clerk being put in, makes the minute, that such an individual being indisposed, or disqualified to act as clerk, A. B. was put in his place. And this is confirmed by the minutes of the Yearly Meeting. I refer to page 9, of the printed minutes. "Our clerk being indisposed, Jonathan Taylor was appointed in his place."—Here the clerk was indisposed, and the meeting wanted a clerk. Some one probably proposed, and the meeting appointed a clerk. And Taylor, when he gets there, makes an entry. It is evident he made it, because there was no other clerk there. The other clerk was out of the house. It shows that he succeeded him. He comes there, and makes the entry of what the meeting had done. The conclusion is inevitable. The opposite party cannot escape from it. I hope the opposite counsel will not attempt to urge that the assistant clerk could have done it. It would be in the face of every bit of the testimony. The assistant clerk is, so far as regards clerkship, a perfect cipher. The title of assistant *clerk* has grown up by courtesy; but he never makes an entry, record, or minute. The assistant clerk could have no power to act in

this thing. Again, the assistant clerk is altogether dependant on the clerk. A clerk collects the proceedings or sense of the meeting. When created, creates an assistant, *ipso facto*. In this case, as is stated, Israel French moved the displacing of the *clerks*. He had his reasons, and has given his reasons, that some way he understood the expression to be *clerks*, though not confident; but keeping in view, that the assistant was altogether dependant on the other, the removal would comprehend both. And by the meeting's uniting in the proposition, both were absolutely removed. That being the fact, the conduct of Taylor and Kimberly was absolutely void, and a mere nothing, except the means of creating the uproar that followed. And we see what followed. "Friends, are you going to let your clerk be kept from the table?" "Why don't the clerk come to the table?" Others say, he shan't come; we have got it all arranged. The high seats are filled, and the alleys lined with big and brawny men prepared for combat. Disorder is introduced and made, on the part of those who went contrary to the usages and customs of the society. As I have said before, and as we now see the operation of it, there was great disunity throughout the Yearly Meeting. And we find it more strongly marked on the part of the complainants, than on the part of the others. The proposition is this: notwithstanding this disunity over the Yearly Meeting—notwithstanding the parties came with repulsive feelings, one towards the other, and were as guilty, the one as the other; yet, at the same time, up to the period of a clear expression of the Yearly Meeting, composed of all of them, disunity did not exist, except between the members forming constituent parts of this Yearly Meeting. Here is a principle that I laid down before, that although they approached this meeting in a state in which one member was embittered against another, Hicksites would not answer orthodox, and orthodox would not answer the other party: one stating, that he did not answer to his name, because he considered it disorderly, and the clerks having been removed, Kimberly had no business to call over the names; yet, as regards union, up to the time of this division, they were constituent parts of the same Yearly Meeting. But that their minds were so discomposed, that they were ready to separate and divide, is evident. On this point, there is nothing more strongly marked, than the testimony in relation to Thomas Shillitoe at the Quarterly Meeting. He introduces a resolution, and makes a statement, that it is best for them to take decisive measures, to bar out all the Hicksites. This is a resolution, without reference to the rights of membership, civil as well as religious: to bar and exclude all, except those who agree with the orthodox in sentiment. Here it may be alleged, that Shillitoe, being not within the bounds of the

Quarterly, had no right to make that suggestion; or otherwise, that the clerk of the Quarterly Meeting, in ascertaining the sense of the Quarter, ought not to have taken into consideration the voice of Shillitoe. To this, I agree. But if any member out of the limits, make a suggestion, it is right; he may give his view, and if the meeting unite in it, there is nothing improper. If the meeting that the strange member meets with, unite in his suggestion, it is the act of the meeting. We see the effect, from the testimony in relation to Halliday Jackson, who was from the neighbourhood of Philadelphia. He made a proposition, which was probably suggested by the good old book, "agree with thine adversary quickly, while thou art in the way with him." Yet he was abruptly ordered to sit down; because he was, in the language of the person who spoke, an obtruder. If the proposition made by Halliday Jackson had been united in, then it would have been the act of the meeting, correctly expressed, although coming from a stranger. But we see from the whole course of the testimony, that the sentiments of the Englishman were carried into effect; and that the party called orthodox, were completely organized. I am not going to use any epithets, as thrown out on the other side, that they were in a disorganizing, revolutionizing spirit; but, I say, that they had a complete understanding among themselves, agreeable to Shillitoe's advice. And we prove it, by showing that every one of these left the meeting together. And at that period of time, there was the first division of the Yearly Meeting, with an understanding, and without the interference of the other party. It was because the orthodox had united together, and because others would not unite with them, they had agreed to disagree, with all those, who, with themselves, formerly composed the Yearly Meeting. See the language of Elisha Bates, "keep still a little while, and we will withdraw and leave you." This was the language of a chief. This was said by one, having great weight in the society; and they agree, and go away; and by going together, they show that they had agreed to disagree.

On this point I will say a few words in answer to the observations which have been made as to majorities. Which way the majority is, is of little consequence, though perhaps it may be necessary to meet the argument on the other side. From the testimony of those interested, there is a colouring given, to be accounted for, only by the zeal and prejudice by which they were actuated. The leaders of the orthodox party think, that two-thirds went with them, and I am not going to dispute the affirmation of those gentlemen; for it makes no difference whether more or less. But when you come to refer to another witness, you will find that the division was about equal,

setting aside citizens, and members not belonging to Ohio Yearly Meeting. And he says, he could not say which party were the largest number; they seemed to be about equal. The best testimony is to be found in those who counted the benches, and the persons seated on them, and at the time estimated the number. From these, it will be found, that from six to seven hundred remained after the orthodox had withdrawn, and after the strangers had left the house. I allude to this, only to show, that there was a great division in the Yearly Meeting.

Those who conduct the prosecution, and their witnesses, have endeavoured to show, that there was some kind of system of operation, or connexion of events, all depending on a preconcerted plan. On this subject I will say a few words in relation to the testimony of Bates and Ladd, who endeavour to give an idea that the alarm was made, and advantage taken of that alarm; and that those who said, "let us surrender," were Hicksites, and also those who huzzaed for Jackson. They have tried to create an impression that there was a pre-concert and understanding upon the subject, but we have shown that, previous to the meeting, there was no concert. Israel French, with whom Amos Peaslee and some other ministers stopped, testifies that there was no such thing. The same is proved by Bevan and Updegraff. And as to tumult, it is evident that the alarm was altogether accidental, and could have been no part of the alleged plan, as is proved by the testimony of Dr. Carroll and others. When the people left the house, Carroll walked up and put his hand on the table; and the clerk might have then taken possession. But all parties rushed out of the house, Hicksites as well as orthodox. Several calls were made on the people, not to run; and it is shown, that these calls came from those denominated Hicksites. As soon as they discovered that the galleries were not falling, they mentioned it, and tried to stay the multitude. Then, in point of fact, we have the testimony of William Dilworth, that the first alarm he heard was from William Judkins. Judkins says he got the first alarm from the gallery. Hamilton heard a remark, that the railing was giving way; and we see how it might have spread; for Judkins gave the alarm, and out of the window he went. The noise of which Taylor testifies, instead of being the breaking of a lath, was the breaking of a foot-board in the ministers' gallery, among the orthodox, which was the cause of so much uproar, which is endeavoured to be charged upon the other party. Abraham Dilworth concurs in this. The alarm spread at once, and no doubt many cried out that the galleries were falling. In a criminal prosecution, no such thing can have weight.

As to the other accusation, made by Benjamin W. Ladd,



what are the facts? He states that he heard some one, in the ministers' gallery, say, now let us surrender, the table is gone. He delayed a little in going out, to make observations. He was a kind of rear guard. He discovered that this person, who made the proposition for surrendering, remained in the house. Now he, it seems, made the expression himself. It was Benjamin W. Ladd himself. And yet he was so confused that he thought it was somebody else.

Then, having adverted to all the positions that the opposite party can present, I say, the case is one which was never intended to be embraced by this statute. The Yearly Meeting was composed of all its members, up to the time that Elisha Bates said, "keep still, and we will withdraw and leave you." The members still continue to hold their civil rights in this property. The meeting, therefore, could not have been disturbed in the manner contemplated by the statute.

There needs but one reflection, to understand the affidavit of Benjamin W. Ladd. When Elisha Bates and Benjamin W. Ladd testify, in speaking of Friends, they mean those only with whom they associate. They, in their testimony, know no other Monthly, Quarterly, or Yearly Meeting. That affidavit meant, at the time, that they, that is, the orthodox, were the Ohio Yearly Meeting; and its purpose was, to get a decision of the law, that they were the Yearly Meeting of Friends. The whole meaning of this, as taken from the whole testimony together, is, that they intended to get a decision of the court, that they were the Ohio Yearly Meeting. It is true, the court and every lawyer must know, that it will not have the effect which they supposed it would have. It will not decide the right of property; nor will they have hold of the property so easily as they think. But that such was their intention, is evident;—there can be no doubt. And the question is placed on the ground, whether the party who went off under the advice of Elisha Bates, were the Yearly Meeting, and those who remained under his friendly advice, "keep still, and we will withdraw and leave you," disturbed them while they were solely constituting the Ohio Yearly Meeting? There is where it comes.

If all, except these chosen orthodox, were mere interlopers and intruders—if David Hilles, a member and representative from Redstone Quarterly Meeting, had no right there—if Isaac James had no right there, though a member of Concord Monthly Meeting, and that meeting could be laid down, and the proceedings are not all void—if those six hundred persons, with a great majority of the society, in Ohio and other states—if they are to be treated as intruders, and Benjamin W. Ladd and Elisha Bates are to be considered immaculate, why let the decision go against these defendants. But if they constituted



a part of the Ohio Yearly Meeting, who were thus warring between themselves, then this proceeding cannot stand, nor be supported by the statute; because the statute must be applied to some person who interrupts and disturbs a society; and the society is not complete, till you take the whole into consideration. And taking it so, they are not disturbed under the meaning of the act, if there is a quarrel among themselves.

We see the effect, if we take the reverse. The whole law becomes perverted, and becomes an engine to establish a standard of religion throughout our country. Suppose those persons who were in this house, who have been, by way of derision, called Hicksites, had been led into an error of the head, and not of the heart, and being engaged in that which usually pertains to this society, had made a proposition, which they had adjudged, though erroneously, to be on the strongest ground; are they then to be put down, because their head is not as wise as that of a technical lawyer, and their hearts dictated that which turns out to be incorrect? It cannot be. It would be giving one part of the society leave, of their own accord, to set themselves up as being better and more correct than the others: one party to set itself up in array against another, calling into use the arm of the law, to establish themselves in authority over others, who have equal rights with themselves.

But the gentleman may say, that this law shall embrace a case where members of a society interrupt others of the same society. I should not object to admit this, with proper caution; but this is a position which requires the utmost care, because Scylla is on one side, and Charybdis on the other. It would be an interference of the law, between the religious rights and some members of a religious community—a case in which the member's conduct was such, as to leave no doubt of the intent being to disturb and molest a religious society, in which he is a member, and who acted wilfully and maliciously. There may be a case of that kind; but it is not here. James did not do so. When David Hilles received the nomination, in the usual order of the society, and after a time, when it was said that violence had been used, James says, I have used no violence, but I have been violently treated by Ladd. The malicious intent is altogether wanting. It is evident, on the solemn affirmation of numerous witnesses, that their sole object and intent was, to carry into execution the proper objects of the society, if they gained admittance; but if violence were offered, they were determined not to return violence for violence, but to retire to another house, and worship their Maker in the good old way. The object of proposing a change of the clerks was a virtuous and Christian one,

by a man whose character cannot be attacked—whose word is immutable as eternal truth, on this subject. It was with regret, with painful feelings; that he witnessed this state of the society—his objection was, that the clerk had become a violent party man, and peculiarly offensive, as he had been concerned in putting down his brethren, and in enforcing the reception of the Indiana epistle; and he had seceded from the large portion of Friends in New York, with whom this meeting had perfect community. Israel French acted under the most honourable and virtuous feelings, which ever animated the human breast.

Now, are these defendants to be put in bonds for trying to harmonize the two parties? Or because a clerk was proposed who did not prove acceptable to the more orthodox? Let the orthodox be right or wrong, being a portion of this society, it does not lie in their mouths to say that this was to disturb that meeting. It was an act to which the others did not object; and it was carried according to the usages of the society.

One word in conclusion. It is not this party that either bars doors or brings suits. It is not this party that can be truly charged with taking an unfriendly course. It is not this party that has made a breach of the discipline, in bringing this suit and putting themselves to this enormous expense. It is not they, who are trampling the discipline under foot, by going into courts of law to sue their brethren. They have endeavoured to act as Christians and brethren should act. They made a proposition against a man, who, the other side say, is correct and orthodox. That is the great sin. And that is a matter of opinion, between members of the same society. It is not a matter on which this court will undertake to decide. No. The Ohio Yearly Meeting was never disturbed, but by Ohio Yearly Meeting. B. W. Ladd, and others will see it, meant, by Ohio Yearly Meeting, the orthodox.

I say, the Yearly Meeting was disturbed by the Yearly Meeting. The disorder being among themselves—the disturbance being before they met, what occurred in the meeting, was but an eruption. The Indiana epistle was the entering wedge, which, with other things, caused the division—this unhappy schism, in this great and once peaceful church. The members came in collision, and could not agree. They were discordant. The unity was gone. They were broke into divisions, and they separated. The disturbance was among the members of the Yearly Meeting. It was the members who made it, and the members alone, are subject to the consequences. No religious society, in the contemplation of the law, was ever disturbed by itself. And on that point I rest this case, with perfect assurance of the acquittal of these defendants.

## SPEECH OF BENJAMIN TAPPAN, Esq.

In opening this case, the counsel, on the other side, appear desirous to exculpate themselves from this charge. It seemed to be taken for granted, that a charge being made, guilt was to be presumed. And the inquiry was, whether there was sufficient evidence to exculpate themselves. I take it, the case stands on entirely different grounds: that the prosecution is, in name, a prosecution by the state, against these two individuals, for a breach of the statute law of the state. And in order to establish their guilt on this trial, it is necessary to make out by evidence, clearly and beyond all reasonable doubt, that they are guilty of the facts alleged against them. This is a trial; and whether there be an appeal from his honour or not, it is, in form and substance, a trial of the truth of the charge against these men, and is to be determined as all other criminal cases are tried and determined. The prosecution must make out clearly the offence, or the defendants are acquitted. We do not stand here to make out our exculpation, but to see whether the charges have been supported.

This is a question, undoubtedly, of great interest; and that interest is not inference. Whether two men have been guilty of disturbing a religious society, and are to be subjected to a fine of twenty dollars, is a matter of very little consequence in itself. But it is of consequence, when you consider that this, instead of being a prosecution by the vigilant and skilful prosecutor for the state, is brought forward, guaranteed, and managed by other persons. The dispute is between members of a large and respectable religious society. If it were a prosecution wherein the public interest was concerned, do you suppose the public prosecutor would abandon it to others? That he would not feel that his duty required him to attend to the interests of the state, whose officer he is?

If there is any one point, on which the society of Friends have always been united more than another, (and their practice is obvious to the whole world,) it is this, that they are prohibited both by their principles and practice from suing each other at law. They not only avow this principle of action, but they have uniformly acted upon it. We have never seen them come into a court of justice, except on extraordinary occasions. We have *never* seen them come into courts of justice with prosecutions *against each other*, civil or criminal. If they have any thing to complain of among themselves, they settle it among themselves. They have always done it before. But how is it now? In the midst of their Yearly Meeting, at a time when their brethren were all assembled, some few of them hasten away from the meeting, come up here, and enter this prosecution. They also enter a civil suit, and another cri-

iminal prosecution, before a magistrate of this town—all for what occurred on Monday, the 8th of September—all for one single transaction. And these men who come up to enter prosecutions against their brethren, have the matchless impudence to come before your excellency, and claim to be the only true Friends—the only members having regard to the faith and practice of the society. They claim in all their testimony and acts, to be the exclusive Friends, the exclusive orthodox, and genuine Quakers. It is a singular circumstance—a most singular circumstance; and it shows the extreme length to which hypocrisy will carry men—to which a love of dominion will carry men, in persecuting their fellows—to what evil, and iniquity, and disregard of their own principles—to what turning courses on their own faith, it will carry them. When operated on by love of their own aggrandizement, what miserable lust of power and dominion takes possession of them.

This, then, is not a prosecution in which the state has any interest. It is not conducted on behalf of the state. The prosecution is instituted and conducted, alone, by members of the society of Friends, against their brethren—by one part of this religious community, against the other part of this religious community.

The gentleman has stated, in the opening argument, that this suit was not prosecuted from vindictive motives. He felt that the reverse must appear evident to the mind of every man who has attended this prosecution. And he saw, at once, that it was necessary for him to disavow, on behalf of his clients, any vindictive motives. Pray, what motives had they, if they had no vindictive motives? What motives had they, who here rush from the Yearly Meeting up to Steubenville, to commence these three suits, two criminal and one civil? Were they intent on the worship of their God? Were their feelings those which actuated Friends from the beginning?—the feelings of brotherly love and unity? When they started from Mount Pleasant, it must be obvious, their motives were clearly vindictive. It cannot be concealed from the world—they can hardly conceal it from themselves. Were any attempts made to settle it with Friends? were any conversations addressed to Hilles or James? any message of love sent them? any exertion to settle it by the appointment of committees? any measures usual in the society? No, not one of them. They rush into a court of law, contrary to the established principles and maxims which they say govern them, more strictly than those of the other party. And if, then, they sue other members of the society, I say it is false; and hypocritical is their pretence.

Having come to this court in this way, and standing here as we do, it is necessary for us to inquire who these people are? What is the Yearly Meeting? If we look back to the origin of the society, we shall find that George Fox, a man who

rose at a time the most interesting in English history; at a time when the rights of men began to be understood, and the tyranny of the house of Stuart began to be effectually resisted—a man cotemporary with Hampden, Milton, Sydney, and the patriots of that day; he first established the society, of which these parties are members. It was when civil and religious liberty began first to be understood in England, and when men first began to exercise their rights of self-government. Then was the society of Quakers established; called so first in derision. Then was the society of Friends established, on principles of perfect equality. From a small beginning, they increased and extended over the kingdom; and it became necessary, in the transaction of business, and for the resistance of tyranny, to have something of combined action; and they formed Monthly, Quarterly, and Yearly Meetings. At first, the Yearly Meeting was of the representative form, and the Quarterlies were probably first attended by few, except representatives. But it presently became, as described by Clarkson, the practice for the brethren to go up to London from all parts of the kingdom, not delegates, but all the brethren and sisters who could conveniently attend. And this assembly became the grand legislative and judicial power of the society—of the whole society, and by the whole society. In accordance with this, we find the discipline of Ohio Yearly Meeting: and in accordance with this, you find the practice of Ohio Yearly Meeting. Here are five Quarterly Meetings composing this Yearly Meeting. They choose delegates. The delegates amount to about fifty, and they go up to Mount Pleasant annually with communications from the Quarterly Meetings; and if there are communications to go back to the Quarterly Meetings, they take them back. The parties communicate and act for the particular interests of the Quarters they represent. And if any subjects come up in the Yearly Meeting, which more particularly relate to the Quarter they represent, it is their duty to see to that interest in the Yearly Meeting.

But it is said here, that this Meeting is composed exclusively of these representatives: and I understand the counsel on the other side, as founding the whole prosecution on that basis:—that the meeting is composed exclusively of representatives—that they are not merely the nucleus of the meeting, but the entire Yearly Meeting. Now, it is a matter of history and of common observation, and what you, yourself, must have seen, that they go up in great numbers. Do they go from curiosity, to see the delegates consult—to hear them harangue, and determine the matters that come before them? Or do they go up to be efficient and active members of that meeting? What is the fact? Take the testimony of Elisha Bates, the archbishop of this orthodox party. When the question is put to

him, have the delegates any more voice than any other members? He tells you they have not; and so says every one of the witnesses. They all come to the same point. They tell you, it is the duty of delegates to bring up communications from the different Quarters, and to take back communications: that, by custom and discipline, they nominate the clerk, yet they have no power in the meeting more than any other members: that there is not any man, or number of men, either ministers or representatives, who have any authority, power, or weight, any further than that of personal character, the same as we find in every other assemblage of men. For there is no assemblage where there is not some difference, as in that society; no assemblage where a man of exemplary conduct, and superior wisdom and experience, known and admitted by all, would not have greater weight than his brethren. There is no other difference in this society, pointed out by the testimony, and no other than this can exist, by their constitution and principles. William Penn, in his account of the Rise and Progress of the People called Quakers, speaking of their Yearly Meetings, says:

“At these meetings any of the members of the churches may come, if they please, and speak their minds freely, in the fear of God, to any matter: But the mind of each Quarterly Meeting, therein represented, is chiefly understood, as to particular cases, in the sense delivered by the persons deputed, or chosen for that service, by the said meeting.”—(p. 771, *fol. vol.*)

Here is the description given of the Yearly Meeting in its first constitution. The representatives were to be specially heard, as it related to the business of the Quarterly Meetings. But the members all met, and composed the legislative and judicial power of the society.

There is another fact—there is no authority superior to this Yearly Meeting. The whole evidence has established that fact beyond controversy. It is not accountable to any other Yearly Meeting or assemblage of men on earth. As to proceedings in its own affairs, it is supreme and absolute. And a Yearly Meeting—this Yearly Meeting, is composed of the whole body of Friends, within its limits, who choose to assemble—the whole number, whether born, or admitted members of the society, unless they are disowned or under dealing. There is no other exception in the discipline;—there is no other exception in their practice. There is no one set of these people, who have any right or authority over others, unless they hold it by usurpation. The delegates themselves have no authority or control over the Yearly Meeting. Their opinion is never taken against that of the rest of the Yearly Meeting; but they are there, in the Yearly Meeting, as members of the whole body, with no more authority than other members,



and are distinguished only as messengers from the Quarterly Meetings, through whom the Quarters communicate, more directly, to this great body, and this body communicates back to the Quarters.

It does appear to me, that, to suppose the fifty representatives from the Quarterly Meetings, attending the Yearly Meeting, can control in any way or instance the twelve or fifteen hundred members, who are there assembled, is altogether a gratuitous supposition; that it has no foundation whatever in ancient practice, or in modern practice. But, if your honour please, if it has been otherwise in England, and you are satisfied that, in England, it is a representative body exclusively, and that those who attend, other than representatives, have no authority, it is not so at Mount Pleasant. And whatever may have been the practice of any other Yearly Meeting in existence, that practice cannot rule or control the Yearly Meeting of Ohio;—because this fact is undeniable and indisputable, that Ohio Yearly Meeting, when assembled, make their own rules and regulations. They have made a book of Discipline, and can abrogate it at their pleasure. It is that power, and that alone, which can make and change the rules of discipline. They are not governed by any other power on earth;—they are neither amenable nor accountable to any body of men existing.—*Clarkson*, vol. 1, page 210. [See page 225 of this work.]

The same course of proceeding is had in all their meetings. You see then, that in this Yearly Meeting, or in the meetings of the society of Friends, there is not, in their constitution, any thing like an aristocracy in civil affairs. But it is a most perfect and pure democracy. Every member, rich or poor—no matter whether he has the purse of Benjamin W. Ladd, or whether he is receiving charitable contributions from him and other members—he stands upon the same ground of equality. He has a right to make a motion, and to be heard; he may oppose any proposition, and be heard, as much as any other member in the meeting; and when a proposition is made by any one member, it must be discussed and settled, before any other business can be proceeded in: and any attempt to proceed, is disorderly, and contrary to the rules of the society. The position is established clearly by *Clarkson*, and by all the testimony in the case, that such are the rights of individual members, and such the usual and orderly course of proceeding in this society.

Now, I will ask, whether, from the evidence, it is not clear and indisputable, that these defendants had a right in that meeting? Whether it is not clear and indisputable, that they were members of that meeting? First, as to David Hilles. He is a member of the society of Friends. He was a delegate

from Redstone Quarterly Meeting—the oldest Quarter in this Yearly Meeting—the one from which all the others have sprung. He came there with reports from Redstone Quarterly Meeting. He was the clerk of that meeting, and appeared in the Yearly Meeting, according to their own principles, with the most perfect right of membership. I do not understand this to be disputed.

How was it with Isaac James? He was a member of Concord Monthly Meeting. He has been disowned by Short Creek Monthly Meeting. But, how disowned? Short Creek Quarterly Meeting, to which Concord Monthly Meeting belongs, has laid down Concord meeting, and attached its members to Short Creek Monthly Meeting; and Short Creek, in this way claiming jurisdiction over the members of Concord, has disowned James. The question here arises, and must be decided, whether the Quarterly Meeting could have laid down that Monthly Meeting. It is clear that Concord Monthly Meeting never assented to this. They never applied to the Quarterly Meeting to do it. It never was done by consent of the Meeting at Concord, or by that of many members composing the Quarter. But it has been done by an unwarrantable usurpation of power and authority—by a gross act of tyranny in the Quarterly Meeting, without the consent and concurrence of the Monthly Meeting.

Now, if I have taken a correct view of the principles of this society—of the principles on which their laws are founded—nothing like arbitrary power is admitted in the society; no question in any of their meetings can be carried in that way. There is no such thing as compulsion—there is no authority of one meeting over another. It may be said that the Yearly Meeting, being the supreme legislative and judicial power, would have authority in laying down a Monthly Meeting. But admitting, that as the supreme power of the society, they would have this right and authority, we must at once perceive the very great difference. In this Yearly Meeting they would be all together, and acting in unity with their brethren upon the interests of the whole society, and, if found necessary, this supreme authority might do this act. But there is no such authority in the subordinate meetings;—no such authority in the Quarterly over the Monthly Meeting. Because a Quarterly Meeting may be composed of two Monthly Meetings, and if it can be exercised by a Quarterly, in laying down a Monthly Meeting, then one Monthly Meeting may lay down another, and attach the members to itself, and compel them to attend at any distance, thus perpetrating the most ridiculous act of tyranny imaginable, without consulting the other meeting. Such an act of tyranny would be inconsistent with the fundamental principles of the society. Friends never allow a

question to pass, even in the Yearly Meeting, if there be much opposition. In a Monthly or Quarterly Meeting, when a motion is made and discussed, it is not decided by a majority, but there must be what they emphatically call a unity. When a measure is proposed, they never take a vote, nor count numbers. There must be a general unity in sentiment, in order to have a proposition adopted as the act of the society. Well; how will this apply to laying down a Monthly Meeting by a Quarterly, or, if you please, one Monthly by another? It is in direct contravention to their principles; it is directly hostile to them. It goes to establish the principle, that one part may disown and lay down the other, without consulting them about it. It is therefore a principle altogether inconsistent, and inadmissible. Here Mr. Tappan referred to the book of Discipline, pages 28, 29. [See pages 234 & 5 of this work.]

The court will see, that this arrangement is to be wholly governed by the view of what will be most likely to promote the convenience of those who compose the meeting, and the society in general.

Now, the way in which a Monthly Meeting can be set up, is evidently by application from those members of the society, who are inconveniently situated to attend any established Monthly Meeting. If it will conduce to the convenience of such individuals to form a new Monthly Meeting, they have a right to apply to be set up; and if the Quarterly Meeting concur, they will be established as a new Monthly Meeting. And in no other way can they be established. It is not in the power of the Quarterly Meeting to say, to a part of the society who are accustomed to associate together, you shall divide; you shall form two Monthly Meetings; one part shall meet here, and another part there. They have no such authority given to them, in practice or in discipline. But it is to be exercised, on application, and for the convenience and benefit of the society. When it suits their convenience, the Quarterly, on application from those members, forms a new meeting. But there is not a hint, in any of their books, or in the Discipline, that a Quarterly Meeting can divide, and make two out of one, without application, or regard to the convenience of the parties.

The same principle applies in laying down. If, from the discretion of the members, they are found to be too few to continue a Monthly Meeting; or, if they have moved nearer to another, so that it would conduce to the convenience and benefit of the society to lay down the Monthly Meeting—if it be thought not proper longer to hold a meeting in that place, and this being represented to the Quarter, they consent to it, the Monthly Meeting disposes of its property, and the members are attached to another meeting. But there is not to be

any force nor coercion in this society, in any part of it. But they are to proceed on principles of brotherly love and unity, arranging their affairs in a friendly manner, so as to conduce to the convenience and interest of individuals and the whole society. They are not to breed ill-will and contention, but to promote brotherly love and unity.

Beside, how careful are they to provide for appeals, where individuals are aggrieved. In all cases, individuals have the right of appeal, from the Monthly to the Quarterly, and from the Quarterly to the Yearly Meeting. But would they have given such enormous power to the Quarterly, and provide no appeal to the Yearly? And yet there is no appeal. There is nothing in the Discipline, to give the Monthly Meeting the right of appeal. If the Quarterly Meeting use this power, it is irrevocable—final and conclusive. What then becomes of the property of the Monthly Meeting? The meeting in question, have a burying ground; they have vested civil rights. Can the Quarterly, by laying down and attaching this Monthly Meeting to Short Creek, attach the property? Can they transfer the real estate of Concord Monthly Meeting, to persons composing Short Creek Monthly Meeting? They can do no such thing. It is obvious, therefore, from every view, whether we refer to principle or practice; whether we are governed by their practice, or the facts of their situation, as owners of real estate, a Monthly Meeting cannot be laid down and dissolved, but by their own consent and approbation. I think it is, then, clear and indisputable, that the laying down of Concord Monthly Meeting, was an act of pure tyranny, and for all the purposes of this society, was nugatory. The Quarterly and Monthly Meetings of Short Creek, proceeded beyond their authority and power; and what they did, is a nullity. And no one member is bound to respect, or pay any regard to that act. And I would not ask your honour, in a complaint of this kind, to determine a question of this sort, under the discipline of this society, if it were not absolutely necessary, in my view, to determine it—if it were not necessary to take up and examine the power of a Quarterly Meeting, to lay down a Monthly Meeting, in order to determine, whether James was a member of that Monthly Meeting or not. If the Quarterly Meeting of Short Creek could not lay down Concord, then the Monthly Meeting of Short Creek had no jurisdiction over James. They might as well disown me as James. They have as much right over one as the other. For no man can be disowned, but by the Monthly Meeting to which he belongs. And I do not myself see, how a man can be made to belong to any religious society, without his consent—take it among Friends, or any other religious society. Is it not, in this country, a matter of personal consent and choice, whether you

will belong to a society of Friends, Baptists, Presbyterians, or any other society? Are you going to force men to become members of a religious society, or community, to which they do not voluntarily attach themselves?

It is said, that from this decision of the Short Creek Monthly Meeting, James had a right to appeal. Appeal!—to whom? Not to his own Monthly Meeting where he belongs! But he had a right to appeal to his tyrants—to those who had assumed an illegal power over him—who had undertaken to disown him without authority, and contrary to the discipline and principles of the society. He must have become a voluntary member of that meeting, before they could have authority over him—before they could have it in their power to hear a complaint against him, or in their power to disown him. Their disowning him was a nugatory act; and one to which he, as a member of this free commonwealth, and as a member of the society of Friends, is not bound to pay any regard.

James then was a member of the society of Friends. I go here, further than it is necessary to go, to establish his right to be at that Yearly Meeting. If he believed, and if a number of members of the society believed, that the laying down of this Monthly Meeting was an irregular act, and nugatory; then it was improper and unavailable, to attempt to exclude them from the Yearly Meeting. For they had a right to attend, and to lay this subject before the Yearly Meeting for their decision. They had no regular mode of appeal, provided in the Discipline, from the Quarter laying them down. And if there was no mode pointed out in the Discipline, to revise the transaction in the superior tribunal, it was a subject which interested the whole society deeply, and one which they had an undoubted right to bring before the supreme legislative and judicial authority of the society. They had a right to appear there for that purpose, on the day of the meeting for discipline, to have the question brought up, discussed, and settled.

When this Yearly Meeting thus assembled, on the morning of the 8th of September, it was composed of all those members of the society who had not been disowned, and who were not under dealing according to the regular discipline of the society. If there were any who had been disowned irregularly, or who were under dealing for not obeying the mandate of the Quarterly Meeting, illegally made, they had a right to be there, to lay the subject of complaint before the Yearly Meeting. This meeting was composed, I say, of those not disowned, and those who had not been dealt with: and secondly, of those who had been illegally dealt with. And when so met, may it please your honour,—when so assembled, on the 8th of September, they composed but one society. There might

have been division in sentiment; some might have held to one opinion in matters of faith, and some to another. But the society met as one society, and as a body, possessing in themselves, the whole legislative and judicial power within the limits of the Yearly Meeting. And, according to the view given by Clarkson, each member had a right to propose, for discussion, any thing which he thought proper to bring forward; and when proposed, it was not in order, for any other matter to be taken up, till that was settled.

This being the situation of the meeting—the meeting being quiet, a member of the meeting, unexceptionable in character, against whom no complaint had been made, one in as good standing as any member of the society, of the orthodox party at least, arose and made a motion to the meeting. He proposed that the old clerk be removed, and that a new clerk should be appointed for the day. When this motion was made to the meeting, the meeting proceeded to act in their usual manner. They proceeded to deliver their sense in the usual manner. Something has been said of their speaking in quick succession, and some individuals two or three times over; and of some confusion and clamour in acceding to this proposition. But what is this, in a large meeting house, in which there is an assemblage of more than a thousand people? When a proposition is made to them, and it is stated that the clerks have incapacitated themselves for doing the business of the meeting acceptably—when a proposition is made, that the clerks be displaced; in taking the question, in the way they did, in so large a crowd or meeting, there would necessarily be some confusion, whether you take the question by ayes and noes, or as Friends take it. In expressing their opinions, there would be necessarily more or less confusion; and the confusion would generally be in proportion to the excessive numbers of the meeting.

Was there any thing unusual in this? and if so, what has it to do with the question before the court? The manner in which they chose to transact their business, is not to be called in question here. If they indecorously express their concurrence, whether orthodox or not,—which it is not very clear they did,—if they did do this—if there were some members, who were not governed by the same principles which lawyers would be governed by, and were noisy in expressing their approbation of this measure, it does not at all affect this question. The proposition was before this meeting. It was made by a member who had a right to make it: and it must first be disposed of before another could be made. The proposition was understood, by the meeting, to be disposed of. It is stated that there was a great concurrence. Why, then, did not Ladd, and those with whom he acted, support it? Why not express their



unity with it? He tells you he did not think it worth observing. He was so much more elevated in his station than Mr. French, that he did not think the proposition from French worth notice. This is a comfortable degree of spiritual pride: a very comfortable degree of it!

But when you come to look at Clarkson and other writers, you find that, if a man, who is a pauper, subsisting on the charity of the meeting, dependant on daily alms for a livelihood, had made the proposition, it should have been attended to, heard, and decided, before they could proceed, according to their principles and rules, to other business. And it did not become Mr. Ladd, or any other man in that meeting, to say he did not think it worth regarding. The discipline and rules do not give Mr. Ladd power and right to judge the purity of motives. They give no man authority, who feels more sanctified than his brethren, to turn up his nose to a proposition, and say it is not to be regarded. The proposition was made and agreed to. If the orthodox felt hostility to this proposition, they did not express it. The question was carried, clearly and indisputably. The former clerks were *functus officio*. They had nothing more to say in that meeting, except as members at large. A proposition is made, then, to appoint another clerk. That is acceded to. Whether Taylor began before or after, I hold to be immaterial. It is clear and indisputable, that when a proposition is made, it must be acted on, before it is proper to bring forward any other business. And Mr. Taylor, in reading, in this instance, whether at the instance of Ladd or Bates—I care not at whose instance he did it—the reading was both impudent and disorderly. It is a great piece of impudence for any man, in any assembly, to set up his voice in opposition to the voice of the assembled multitude. When the proposition was before that meeting, Taylor undertook to interrupt the discussion and decision of the question which was raised.

And here, may it please your honour, if you are seeking for the cause of disturbance in this meeting, you have it. When a proposition is laid before the meeting, and the meeting are acting upon it, the clerk proceeds to read, and his assistant to call, in a stentorian voice, the names of the delegates; you want no proof that this would produce confusion. It shows where the confusion originated. Clarkson shows you, that it originated in direct contravention to the rules of the society;—in direct hostility to the usual order and method of conducting business.

I know not how this view of the subject can be avoided. I know not how this view of the subject can at all be questioned. The proposition which the gentleman has taken, is false and untenable, though unquestionably the only base on which he

can rest his claim at all, as to the power and authority of his clients; and that is, that these men, who call themselves orthodox, who consider themselves the only true church, who consider themselves as saints *par excellence*, are the real society of Friends; and that all the rest of this rabblement, who assembled there, though formerly members of unquestionable character, morals, and piety, but who did not come up to their orthodox standard of piety, were not to be regarded in the meeting. On no other principle can they apologize for this breach of decorum—this disorderly measure, of going on with opening the meeting, when a proposition was under consideration.

For let them have been a majority or a minority, numerous or few, still the question that came before the meeting, was brought forward by a regular member of that meeting. It was a question before the meeting for the discussion and decision of the meeting. And for any member to interpose while it was so before the meeting, unsettled and undetermined, was clearly disorderly. This is the opinion of all the witnesses, except Mr. Ladd and a few others. Thus we see the conduct of the persons who are charged here with disturbing the meeting. They were members of the meeting. They voted on this question. They were there with others. The meeting determined the question; and it was decided that the clerk should cease to act. The nomination was made, and another clerk was chosen in his place. They had a right then, to place the clerk in the chair. The voice of the meeting had been expressed: the old clerk displaced: the new clerk elected: and the silence of the orthodox had given consent, agreeably to the usage of the meeting. If they dissented, they were bound to express it in the usual manner. But they did not. When a person is silent, he is considered as acquiescing.

No one man spoke against the displacing of the old clerk, or the appointing of Hilles. It was suggested by one or two, "we have a clerk;" but no other word was objected. The meeting had created a vacancy, and it was then right for Hilles to take his seat. And to prevent or interrupt his going to the table, was an interruption of the meeting, by whomsoever it was done. His going to take his seat, was in perfect order and regularity.

Well, when this is done, is there any attempt here, to tyrannize over the orthodox, or to force them into measures contrary to their will? Or to carry measures against their will, unless first fairly proposed in open meeting, and concurred in by the united voice of the meeting? Was there any confusion raised? When this opposition arose, seeing the hostility, confusion and opposition, a Friend proposes to make an amicable adjustment. He proposes to the orthodox, and to those with whom he is

acting, to come to an amicable agreement, to divide the house or the time, so that there should be no collision between them. It is the proposition of peace. But it is repelled by these saints with indignity. No. They will do no such thing. But by the direction of the lord of the society, they call over the names of the representatives, and take their sense upon an adjournment, a thing without precedent in the society. They did what no man ever thought could be done—they adjourned themselves. But what did the others do? Did they disturb them? No. They sat quietly, and saw them transact their business. They did not interrupt them. There was no interruption to their calling over their delegates and marching off, in any order they chose.

And when, on the next day, they came and demanded exclusive possession of the house, there was no attempt to keep exclusive possession. The doors were opened, and no guards were placed. They were told that the Yearly Meeting was sitting, and that they had right and liberty to come in. If they knew they had a majority, they had right and power to come in, and form component parts of the meeting. If they did not like Hilles, their remedy was plain. They might have moved to displace him for an irregularity. They might have displaced him, by a majority of the voices of the Yearly Meeting. There was nothing that could prevent.

We see no claim to set up, by these men for whom I appear, over their fellows—no claim but their equal and undoubted rights in the society. They never wished to control their brethren, nor do they now wish to control their brethren. How is it with the other side? How is it with the orthodox? In the first place, you find, that a committee of the Meeting for Sufferings bring forward an epistle of advice from Indiana Yearly Meeting. They consider on it, in the Meeting for Sufferings, and pass some resolutions; then recommending it to the Quarterly and Monthly Meetings, choose committees, with Ladd at their head, who go round to the Monthly Meetings to cram it down them: thus disowning in that epistle at one blow fifty thousand members—a great majority of the society. And the committee for sufferings, without any authority derived from any source, appoint sub-committees to go round and insist on this being received—not as discipline; they did not attempt to force it upon them as discipline; but it must be received as advice, and acted upon. When it comes to the Monthly Meeting, it is opened and read there, and is recommended to the members. It gives what it calls extracts from the Berean, and extracts from the sermons of Elias Hicks; and one thing and another as a representation of the opinions and doctrines which they pretend to condemn, in all those that receive them, and exclude them from the society. When the Monthly Meeting

examine this, they find that in the extracts from the Berean, there is a sentence made up by taking parts of paragraphs from three or four different pages—patching them up, so as to give neither the sense of the writer of the Berean, nor the sense of Elias Hicks, but their own construction and interpretation. If your honour will observe, it will be found that it is throughout patched up in that way: containing not a true representation of the sentiments of the Berean or of Elias Hicks, but such kind of garbage as they think fit food for the minds of the orthodox, with a false new-fangled system of the sentiments that they attempt to combat. So that many members of the Monthly Meeting could not conscientiously approve of it; and they rejected it; and some, perhaps, though disapproving, submissively receive it. Here originates the whole of the quarrel. Here originates the disturbance in Ohio Yearly Meeting, and among the Friends composing the same Monthly Meeting, some will, and some will not receive the testimony. Monthly Meetings are then laid down. They laid down Concord, and made an attempt at Plainfield; but Plainfield was too stubborn, and the meeting still stands in spite of their tyranny.

Now, may it please your honour, the members of this society had a right to judge of this Indiana Yearly Meeting testimony: because Indiana Yearly Meeting had no control over the members of this society. It may have over its own members, to make them believe that nine-tenths of the society have departed from the ancient principles of Friends, and that they are more enlightened than all the world upon this subject. They may say, you shall believe this, and exclude all who will not: you shall believe our garbage, as a true statement of the sentiments of the Berean and Elias Hicks. Now they may impose all this upon their own society; but when they come into the state of Ohio, to cram this down the necks of the people here, I do trust, the people have a right to look at it, and see whether it is proper aliment for them or not, and receive or reject it, as they think proper. Pray, where did the Meeting for Sufferings get the right to pick up epistles from Indiana or Dublin, or any where else, and say you shall swallow this for gospel; and send Ladd and others to cram it down their throats, whether or no? I can see no authority for this. In a society where the poor man has as much authority as the rich, I say there is no such power. It appears to me to be a pure and simple act of tyranny and oppression, as the first step made by the orthodox to obtain exclusive dominion over their brethren.

This was the pretence for laying down Concord Monthly Meeting. They would not receive the epistle. They had examined for themselves, and had formed an opinion that it was not binding on them. They imagined that the Meeting for

Sufferings had not the authority over them, and they did not bow to the idol erected by Ladd and his Indiana Friends—to the image of clay and brass. They rejected it, and therefore they were laid down. They were not asked, whether they would consent to be attached to another meeting, but, by compulsion, were declared out of existence, and annihilated, as a Monthly Meeting. And for what? For rejecting the Indiana epistle. No other reason under heaven.

Well, the next proceeding is, you find them assembling at Mount Pleasant from Dublin, from Rhode Island, from Carolina, and every where else, where they could get delegates. You find all these attending in numbers that never attended the Yearly Meeting before, to aid in this work of oppression, in order to carry into effect the advice of the Indiana epistle. To exclude all those who were refractory, by the slow process of complaining of individual Friends, and bringing them before a Monthly Meeting, to be there condemned and excluded, would not do. It was necessary to exclude by hundreds and by thousands. And they came together for consultation. Shillitoe, the representative of John Bull, on this occasion, proposes to exclude all the Hicksites—all who had read the sermons of Elias Hicks, and given an opinion upon the subject. Not because they were disowned members, not because they were not in unity with the whole society, but because they had expressed some sentiments, which, according to their garbled opinions, were not in unity with the sentiments of the society, though in unison with Fox, Penn, and all the ablest writers, yet with this new-fangled divinity, which they have got up, they do not agree. The proposition came from a foreigner, a man who is here to enforce the dominion that they exercise, for aught I know, in England, in the society. Whether they do, or not, is immaterial. The proposition is agreed to; guards are appointed; an unusual number are appointed; and lest the heterodox should get wind of this, and those who do not altogether disbelieve in the doctrines of the fathers of the church, should by some possibility get into the house, they garrison the building. They put in Mr. Heald, a pretty able bodied man, as commander-in-chief of the garrison, and he collects into the house a sufficient force to maintain it. Against whom? Was the Yearly Meeting house ever garrisoned before? And for what purpose was it? what object? The object had been disclosed by Shillitoe. The proposition was made by him, and concurred in by the orthodox; to hold exclusive possession—that before they would admit a man, he should pass the ordeal of the door keepers. They have lists furnished them of such persons as are to be excluded. Each person has one, and at every door is a man from each Quarterly Meeting, with a list to exclude, they say, those disowned:

they say they do not wish to exclude any others; but was that the proposition; was it the fact? Had Dawson been disowned—and numbers of others who were pushed back and stopped? Not a word of it. Was Mrs. Pierce disowned, who was kept out in a manner which I need not speak of? It must be evident to every body, what the assembly must have been. How devoid of justice and respect for themselves, and every body else, to keep women out in the rain and mud, as they were kept out. Those who had a right, an equal right, to be there, were thrust back and shoved out, to endure the pelting of the storm, while the orthodox were holding exclusive possession of the house.

We are told it has been usual to place guards at the doors of the Yearly Meeting; to place persons there, to whisper and tell those not members that they ought not to come in; but never before, does any member of the society tell you, that he ever saw such guards placed there; no member ever saw guards pushing back with all their might, against members who had a right to be there—as good a right as any in the house.

While these transactions were arranging for the meeting on Monday, they also prepare for holding a meeting of the committee on Indian affairs, though not at the fixed time for their meeting. They now pretend that they had mistaken the time. They get together early in the morning, with many not members of that committee, and all these foreigners, these hundred from other societies—they get possession, and form a solid column round the clerk's table. They take possession of the high seats exclusively. When Israel Updegraff goes in, there is but one solitary seat vacant, where he can get a place, and not only were the benches filled, but the steps in front of the table are crowded full of these people. They have formed, as they imagine, an impenetrable phalanx, to guard the *sanctum sanctorum*, which they occupy. Suppose you had gone in at the moment when the doors were thrown open, and found all the seats vacant, except at this end of the house, and persons crowded, as thick as they could be upon the seats, and not only the seats but the steps, occupied by chosen men, and the neighbouring seats well crowded in this quarter of the house, would you pronounce this the usual mode of taking possession of an assembly, going in and occupying all the honourable seats in a dense mass, under the pretence of holding a meeting for Indian affairs, entirely out of order—at a time when no such committee could assemble? It was not a matter proper for their discussion. It was evident that all these foreign delegates who had collected together for consultation, had not much benevolence for these poor Indians.

The doors are thrown open; the people come in; and the



house fills up. Then appears Thomas Shillitoe, in supplication. But what kind of supplication? There is John Bull praying for victory. Yes. Not in supplication to his heavenly Father, for an extension of brotherly love and good will among the brethren—not in supplication for the benefit of the church; but praying stoutly for victory! It is all of a piece; there is the same hostile attitude from the commencement. They carry it on until the meeting assembles, then place themselves in a hostile attitude, and pray for victory! as though Shillitoe was the chaplain of a regiment, going to battle!

Of a piece with this, is the spirit in which they proceed to disown their brethren. What says the Discipline? If a member of the society conduct improperly, and deny the fundamental principles of the society, he shall be dealt with, brought up before the Monthly Meeting; and if found guilty by the Monthly Meeting, he may be disowned. But is there any power to disown, short of a Monthly Meeting as such, not a minority, composed of two members? It must be done by the majority, or must be united in by the meeting. And it must be his own meeting, of which he becomes a voluntary member, to whose rules and discipline he has attached himself. Now, what says the archbishop of the society? He says, if a meeting be composed of fifty members, twenty may disown thirty. He is asked, whether ten could disown forty. Yes, undoubtedly, says bishop Bates. Can three disown forty-seven, Mr. Bates? I do not know how far it might be carried, but a very few can disown a great many. This is the orthodox principle, declared by one of their leading men, although unknown to their discipline, and to the former practice of Friends under that discipline. It originated in views of ambition, in devising ways and means to tyrannize over their brethren; and on this principle, they effect the act of disownment. They do not look to the discipline, or complaints to Monthly Meetings, but to two or three of these saints, *par excellence*. I suppose Elisha Bates, Benjamin W. Ladd, and John Street, could disown the whole society, and take possession of the whole property. You will, perhaps, find, that Ladd and Street are pretty good speculators. I should be in no way surprised, if these three should get possession, and then Ladd should disown the other two, upon the principles they have adopted. It would be carrying these principles to their ultimate result, and it is what they naturally lead to.

We have, may it please your honour, a sample of orthodox disownments. We find by the Discipline what members may be disowned for. But here we have the disownment of David Scholfield, a respectable member as there is in the society, and a man of unquestionable morals; but he would not receive the epistle from Indiana; and they have disowned him. It is

necessary to pay particular attention to this disownment, to show the nature of that spirit by which these people are actuated. It is an extension of the cloven foot of these orthodox to the noon-day light.

“David Scholfield having a right of membership in the society of friends, but giving way to a spirit of dissension, hath charged the yearly meeting of Indiana, & the meeting of Sufferings of Ohio yearly meeting with making rrong representations in their Testamony & epistle of advice, &c., and also said, he had read a book of sermons attributed to Elias Hicks, and saw no impropriety in the doctrines therein contained, & he being labored with & it not having the desired effect. We disown him from being a member of our religious society, untill he becomes sensible of his misconduct, & condemns it to the satisfaction of friends.”

“Signed in, & by Order of Salem monthly meeting, the 19th day of the Third-month, 1828.”

“JOSEPH SHREVE, Clerk.”

I know not how far the orthodox think they can trammel the human mind, or how much authority they suppose can be exercised; but here, they say, is a man who has given way to a spirit of dissention, because he questions the accuracy of the epistle from the Indiana Yearly Meeting. He questions the authority of the Meeting for Sufferings, in attempting to cram it down the necks of all the Monthly Meetings. And for calling in question the correctness of these representations, he is disowned. It would be ludicrous to suppose, that in this country, in a government like this, a man can subject himself to any society whatever, that shall deny him the right of private judgment altogether. The question would answer itself. There is no such society here, unless it is the Free Masons; and that I know nothing about. Certainly there is no such, that is open to the eye of the world. There is nothing like it among Quakers. There is nothing in the book of Discipline, or in their practice, which can hinder them from expressing themselves freely, especially in the Yearly Meeting of Ohio. Is it not clear and indisputable, that Mr. Scholfield might have expressed his opinion in the Yearly Meeting, with the utmost freedom and order? It is so, unquestionably. And if he might have done it in the Yearly Meeting, might he not, at his own fire-side? Is there any thing to prevent a Friend from expressing his opinion on this subject? There is not.

There is not to be found in the records of any church, not even the Roman Catholic, in its worst day, an attempt more tyrannical, an attempt more absurd and ridiculous, to control the minds and consciences of men, than this attempt of the orthodox to turn men out of the society, because they call in question the correctness of a forged and garbled document. For the purpose of my argument, though the epistle be correct, yet it is immaterial whether it is or not—it is presented for the acceptance of the Monthly Meeting, and they are

asked to unite with it. A member hesitates to unite in it, and expresses an opinion that it is incorrect: he does not charge it, as I do, with positive falsehood; but, with the utmost moderation, doubts the correctness of it: and expresses an opinion that the representatives vary from the truth in some particulars. And for that expression of opinion, they undertake to disown him. Now they have no such authority in the discipline: for the why and the wherefore that they may expel a member, is laid down in the discipline. There is no authority to disown a member for any other matters than those specified by the discipline. And if they undertake, by *ex post facto* regulations, to make that an offence, which was not so at the time it was committed, the act is as illegal there, as in civil society. They cannot undertake to say that the opinion expressed is worthy of expulsion, unless that opinion is recognised by the discipline of the society, as being worthy of expulsion.

But this is not all: the disownment is not on this single charge. He also said he had read a book attributed to Elias Hicks, and saw no impropriety in the doctrines therein contained. Well, was there any impropriety in the doctrines therein contained? What sermons were they? There had been published a great number of sermons by Elias Hicks. What improprieties were there? He might have read the book hastily: he might have overlooked them, without noticing them. Without stating that they contained any one doctrine contrary to the faith that they held to, he said he had read the sermons, and could see no impropriety. If the human mind were to exert itself to find out something absurd and ridiculous, it could not light upon a case more palpably absurd than this. No ingenuity could go lower than this. But is it within the Discipline? Had they any right to disown for this? The gentlemen undertake to read from the Discipline something in support of it. But what is the inference from it? It shows you that their proceedings are according to the advice of Shillitoe—that they have been proceeding according to the advice of Elisha Bates, and not according to the usual practice in the society: not according to the ancient and received maxims of the society; and that they are introducing a new system of coercion and tyrannical power over their brethren. And if they have not reason, within the discipline of the church, to disown a member, then, rather than not disown him, they will assign reasons, the most absurd and ridiculous.

The keen sighted Mr. Ladd can see an error in Hicks' sermons, from the most garbled extracts. And here is a man who has read the sermons, and judged for himself, but is less keen sighted than Mr. Ladd: he has not the sagacity that Ladd has. Instead of proceeding, according to the order of

the society, to point out, with brotherly love, the errors, and to show him that he had overlooked this assertion, which is not according to our faith, and this insinuation, which is against our belief—instead of pointing out these, they attempt to disown the man, because he himself said, without any thing of the kind being pointed out, that he saw no impropriety—because he himself has not sagacity enough to see as far as these people think they can see. It is an evidence, clearly and conclusively, that these disownments are a piece of the most ridiculous and absurd tyranny ever attempted to be exercised over the mind of man.

I have said, that the Friends for whom I appear, claim no more than their equal rights in this society. And I ask your honour, whether any thing can be shown to contradict this position? I know it has been said, that they are claiming property: and said very gratuitously by the gentleman on the other side. But there is no foundation for this in the evidence. They contributed to the purchase of ground, and to the erection of a meeting house. They are the proprietors of that house and ground—equally so with the orthodox. The property is vested in trustees. And whether the statute of uses transferring these trusts into possession, is in force in this state, is a question yet undecided, and upon which the judges of the supreme court are equally divided. Whether the statute is in force, and such use and possession is in the persons for whom it is vested or not, still these individuals have the use by custom; and the power, by possession and use. The trustees have never interfered till this time. And the defendants have as much right to possession, use and occupancy, as those men who claim to be orthodox. Many have not been disowned at all: and many have been disowned in this irregular way. They have paid their money, and, in equity and law, have an equal right. They claim no exclusive possession or right in any one instance:

But we are told that we have had conferences with each other: that we have met in a barn: that we had a conference at the meeting house in Plainfield, and at the school house in Mount Pleasant. And, it is said here, in this country, that men who have civil and religious rights have met to consult upon the best measures for asserting those rights; and it is charged as a crime, that they have so met and assembled, and held conferences. I would not undertake to argue to this court, that any number of individuals have a right to assemble on such occasions. It is a power that no court will ever attempt to control. It is a power which has been exercised by all citizens; and, whether of this society or any other, it is proper for them. In our political affairs, who ever imagined it illegal or improper, to meet and consult on measures to be

pursued in furtherance of lawful objects? If there is nothing unlawful or treasonable—if there be no conspiracy against the government, the assemblage is as much under the protection of the law as any religious assemblage whatever; because citizens stand on a perfect equality of right, as to the manner in which they shall conduct themselves, so long as they avoid a breach of the public peace.

In Washington county, Friends met in a barn. They had public worship; and after the meeting, they had some consultation with each other. At Redstone they had a meeting, and appointed delegates to Plainfield. Why was this general conference? I will tell you why there was a general conference. The Meeting for Sufferings had appointed sub-committees to go to all the Monthly Meetings, to force them to receive this testimony, as a rule to govern their conduct as members. But they would not receive it, and called in question its accuracy. The orthodox then proceed to disown them: to purify the church, forsooth, they turn out every man who will not bow down and worship the graven image, which they have set up. Those Friends who were not content to succumb to this tyranny and oppression, thought proper to meet together, and consult on what should be done: but did they agree to any thing unlawful? I care not whether a letter from Israel French were read or not. It was lawful, and correct, and proper for them to consult. Men are not compellable to stand still, and be trodden under foot. They have a right to combine for the protection of their known and acknowledged rights. They did meet and consult. And if, may it please your honour, you and I had met and consulted, we should not have come to the conclusion that these people did, not to use violence in asserting our rights. We would have gone a little further, and asserted our rights by force, if necessary. But these people, instead of any idea of force, or of going beyond their ancient order and Discipline, determined to attend the meeting, but to go quietly, and act as circumstances might require, and as was always customary with the society. They conformed strictly to the principles of Friends, not to form determinations beforehand, but to be governed by the inspiration or impulse of the moment—by what appeared at the time, to be correct and proper. All the evidence shows that they went forward, with these views and principles, to the meeting. They found, when they got there, that the advice given by Shillitoe, and which they knew had been concurred in by the orthodox, and by which they were to be excluded, one and all, was about to be acted on, and they met in the school-house to consult. It was a time of grief; it was a time of great pain and distress. The society had existed near two centuries in peace and harmony. They found that a part

of their brethren, from whom they had no disposition to divide, were assuming the exercise of dominion over them, and the right to be considered exclusively the society, and to bar them out of the house, which they had themselves helped to erect. They had been garrisoning the house for the purpose of excluding them by force. The preparations were obvious. And even here, when the question was, whether they should attempt to go to the meeting—when the question was discussed, and when, if they had any idea of force, it would have been the time to determine on it, it was agreed not to use any force. They agreed to go to the meeting, and if they could get in peaceably, to go in; but if excluded, if they did not obtain peaceable admittance, they agreed that they would hold the Yearly Meeting by themselves; that they would choose a clerk, and organize themselves as a Yearly Meeting, and proceed to business; but not unless they were excluded by force. They did not seek a division; they did not want a division. They were willing to be placed on a common level with the orthodox, and to let the majority in the Yearly Meeting—the great legislative and judicial power of the meeting, decide. They wanted no exclusive possession. They claimed no such possession. Nor is there any one fact proven, showing that any such attempt was made on the part of these Friends, either singly or collectively, in any one instance; after they had carried the vote for clerk. But a proposition, for the alternate or equal use of the house, was made, and indignantly rejected by the orthodox.

There has been so much said with regard to the right of the old clerk to his station, and the irregularity of displacing him, that it would seem the old clerk was appointed by the representatives for a certain period of time, and that he had somewhat of a freehold title, till that time expired; and that it is not competent and proper to displace him. But your honour has been shown, by the testimony, that the clerk is the servant of the meeting; that he has no rights there; that he is a mere servant, and that the society have no presiding officer in their meetings. It has been shown also, that the manner in which Hilles was appointed, was not altogether novel in the society. A similar course had been pursued in appointing Taylor, in the first instance, the former clerk being absent, or disqualified by sickness. In my view of the subject, it is very immaterial, whether the old clerk was appointed for a particular time, or not; immaterial, whether or not he be considered as analogous to a chairman, appointed by the members of a legislative body of representatives. They appoint their speaker and clerk; but suppose, while you were a member of the house of representatives, that the speaker had disqualified himself from acting acceptably; suppose he had come in, and taken the chair drunk, and rather than to have him



there drunk, you had made a proposition to remove him, would it not have been in the power of the house to remove him? What person on earth would question it? Who would say that they should sit there, day after day, with a drunken fellow in the chair, because there was no authority to remove him? Nobody would have the face to pretend it. There could be no question about it. You would have had the authority, and would have exercised it.

Well, here, may it please your honour, is Ohio Yearly Meeting, possessing all power, legislative and judicial; they meet together; they have a clerk; let him be a presiding officer or not. A member of the meeting thinks the meeting cannot proceed with this clerk. He is of opinion that the clerk has disqualified himself, and makes the proposition to the meeting; the proper tribunal to decide. If there never had been a precedent—if no such thing had ever occurred, they had a right to make the precedent. They had the power assigned them by the Discipline. Like the legislature of a state, they had made their rules, and they could abrogate those rules. By one vote they can make a rule for their own government, not for others who may succeed them. If any new case occur, it is to be acted on according to necessity or propriety. They are the supreme legislative power; they can look no where else for these rules, for there is no other power to give them; they make and adopt them themselves. When such a proposition is made to this meeting, this supreme power, to displace a clerk, it is made to the proper power to decide it. And even if it be contrary to all the discipline in the book, they have the right to do it, because they have the power and right of abrogating and changing the whole. The Discipline is made for the Quarterly and Monthly Meetings; it contains rules which, so long as the Yearly Meeting choose to adhere to, they will adhere to. But a discipline made last year cannot command actual authority in the Meeting of this year, any more than any legislature of this year can make rules for the next year; because the legislature of the next year might adopt them or reject them. This arises from that power which is inherent in the assembly, from the positive and absolute power which they have over their own concerns. Whether the clerk be appointed for life, or for one hour—whether his duties were to continue by his first appointment for a day, or for life, he was their servant, not their master. They had a right to displace him, and say that he was an unfaithful servant, and put another in his place—in the place of this “venerable Friend,” as Mr. Goodnow says. He is a venerable man, undoubtedly. I have the utmost respect for Mr. Taylor, and I am sorry that so good a man as he is would suffer himself to be used in the way he has been: I am sorry that he would not

exercise his own judgment and discretion, and not be governed by such men as Benjamin W. Ladd. Your sympathy is not to be awakened here about an old and venerable man. It is a question of right, not of feeling: a question as to the right of displacing him; and his being old or young, does not affect that right. It makes it neither stronger nor weaker. The right exists fully and entirely. It was the meeting, not a few members, that was to decide upon that question. It was not for Ladd, or any other man, to say, that the proposition was not worth regarding. It was not for one, or any number, to decide. It was before the meeting—the supreme tribunal—and to be decided by that tribunal. And it was a breach of discipline, and out of order, to interrupt them in the decision of that question.

Well, then, if I have taken a correct view of this subject, there was a meeting of the society of Friends at Mount Pleasant. Here were men entertaining different sentiments as to faith. Some thought Elias Hicks as bad as Satan, and there were others who could not see that he was any worse than some of the orthodox ministers in their church. They met together. They were one body—one legislature. They had not divided. The meeting was disturbed—a *great* disturbance occurred; but who occasioned that disturbance? You do not find, by the discipline of the church, that Israel French proceeded contrary to order; there is no pretension that Israel French occasioned the disturbance. Yet, if the clerk proceeded correctly, then Israel French was the disturber of the meeting. He was the only disturber, if it was out of order to displace the old clerks, and to appoint the new ones. James had no agency in that, neither had Hilles. There is not a shadow of evidence, that they had any agency in it, other than that Hilles' name was mentioned; but he did not make that motion. If you look to that motion as the origin, these men were not guilty of the disturbance. These men were as passive as any other members of the meeting.

If you look to the discipline of the church, and to the order of proceeding in this society, you will find that the disturbance was made by the old clerk, who, being displaced, proceeded, contrary to uniform practice, to act in an office, from which he had been removed according to the usual mode of deciding such questions. And this created a great deal of disorder and confusion. Much will, no doubt, be said as to the haste with which it was done. Is it not accounted for, when we consider that the old clerk determined to pay no attention to the voice of the meeting, when the meeting had determined that a new clerk should be appointed, to take his place? Was there no cause for confusion? They themselves prevented the deliberation which usually takes place. They were the

cause why it was so hastily decided. And can they come here, and charge their opponents with having made a disturbance which they, themselves, caused?

Suppose, from the evidence you have before you, that Taylor had not proceeded to read the opening minute, but he and his assistant had remained silent—and when it was said that the question was carried to appoint another clerk, these orthodox men, instead of ordering Taylor to go on, had told the meeting that there was great disunion with the proposition, and that it would be proper, before the question should be considered as carried, that it should remain open for discussion, till they could deliver their sentiments calmly, and in the usual method against the proposition—would there have been any disturbance? Can you learn any thing of the kind from the evidence? If, then, I say, instead of taking this disorderly course of compelling Taylor to go on, they had risen, in the order of the society, and opposed this proposition; discussed its propriety; defended Taylor's conduct; and agitated the subject properly, before the meeting, would there have been any such conduct as that which is complained of? If there would not have been such disturbance, what right have they to charge the disturbance upon us? Is it not most clear and evident, that they made it themselves? That it was made by their clamour, and will, and determination to bear down every thing, to call themselves the exclusive church; and their opponents heterodox, and without the church?

I have never known more than one or two instances of a similar nature with this proceeding; they were in the eastern states, where a man may complain of himself, and get fined; even to a justice of the peace, he may enter a complaint, in order to be beforehand. In that way, I have known the greatest aggressors to be the earliest to complain; to be the persons complaining, instead of complained of. The proceedings of these prosecutors, are exactly similar. They have made a disturbance; and judging others by themselves, were afraid of being complained of and prosecuted; and hurried away from the Yearly Meeting, post haste, to enter complaint before your honour. Why quit their Yearly Meeting with such eagerness, as was evident in their faces and manner, if not afraid that their brethren would be before them? They were afraid the saddle would be put on the other horse; and to prevent this, they make all this haste.

I will not take up much more time in this discussion, for I think it is clear, that it is a case not within this statute. It has been stated, and it is true, that this statute was to prevent disturbances from without—camp meetings might be disturbed by a rabble from without; and if so, they might be protected under this statute. They might be disturbed from

what might arise within the meeting. Here I speak from no experience. But, from what I can learn, several preach at once; and if some such man as Elisha Bates should get up, and preach with a stentorian voice, above all the rest, would not this be a disturbance? But would the law interfere, and say, you preach too loud, or pray too loud, and disturb others? Could you go into the internal policy and regulations of that society—or those of the congregationalists—a society which is on a perfect equality; like the Quakers, a pure democracy? Suppose, in their conference, a clergyman is chairman. Suppose a proposition be made to displace the chairman, stating that his conduct has been such as to render it improper for him to sit, and recommending that some other one be appointed; and, thereupon, a vote should be taken. Suppose that some should rise and ask the meeting to vote, and great disorder should arise, great clamour of voices, and a great majority should determine that he ought to be removed. Some laying hands on the new chairman, take him up to the desk; others oppose, and amidst bustle and noise, push with all their might to prevent it. Now, I ask, was it the intention of the statute law that a judge should go into these matters, as to right and wrong in this religious society? It appears to me not. It appears to me, that whatever may be the conduct of these meetings, however irregular, and however they may have departed from their discipline and practice; however much clamour may have been made, and even Benjamin W. Ladd made himself liable for an assault and battery, as he undoubtedly has, and many others, yet they are isolated offences; they did not go to affect the meeting; and what occurred between different members of the society, under their mode of doing business, is a question purely of their own cognizance; and neither side can resort to the laws of the country, and by criminal complaint get a judgment of your honour upon it. It was not the intention of the statute. It is not within the regular sphere of judicial duties, to go into the order, discipline or faith of a particular religious society, and weigh one against the other, and determine between them. If they have a dispute among themselves, a disturbance of the meeting, the law never intended to regulate the manner in which they should proceed among themselves; but it has said, if you disturb these people when worshipping, or when quarrelling, you shall be liable to this statute. If a man had gone into this meeting drunk, making a great noise, so as to prevent them from going on with the business, he would have been liable to the penalties of this statute. But men standing there, as my clients stood there, doing no act which they had not a right to do there, are not liable. The question is not, in relation to those who claim to be exclusively orthodox, and

exclusively religious—whether they are so pious and virtuous—whether they have monopolized all to themselves, or left some small modicum to the others;—it was not the intention of the legislature, by this statute, to call such points in question.

It does appear to me, that the policy of our government will never permit a judicial tribunal, to interfere with any ecclesiastical controversy. And in this case, the controversy is not one in which the state is interested, but it is a controversy between members of the society of Friends. And we think, your honour would do well, to tell these gentlemen to settle it among themselves.

SPEECH OF JOHN C. WRIGHT, Esq.

Under all the considerations connected with this subject, if no other duties devolved on me, I could not advert to the multitude of the people assembled, during the nine days continuance of this trial; I could not advert to the polite audience now assembled here; I could not advert to the powerful talents manifested on the other side, without feeling that to be able to engage the attention of this audience, would require of me an effort that is unusual: without feeling that to be able to throw any additional light upon this subject, I shall be more fortunate than has generally fallen to my lot, in addressing a court. Yet with these things pressing upon me, and having the influence that they have, I must proceed to the discharge of the duty. However wearied may be your patience, and the patience of the audience, I must proceed to the discharge of it, having an eye to the weight, power, influence, and extraordinary sarcasm, which have emanated from the other side.

In my view of the subject, I shall endeavour to embrace all that has been said on the other side. I shall have to call on your patience, for a considerable length of time. I am unwilling to do so; but my duty presses me to the performance. I will strive not to overlook what I ought to say, and not to hurry it; but I will strive for one thing above all others, that is, to avoid much of the vituperation and abuse, which the counsel on the other side have heaped upon this case. I will try to proceed to the investigation of the case, as it is, not as it is colouredly represented by the opposite counsel. I will strive, amid the multitude of chaff, to gather the few grains of wheat in this case. I mean not to disparage the merits of the case, when I speak of the few grains of wheat in it—but the arguments which have been adduced. For, according to my understanding, at least eight-tenths of the evidence, and perhaps I may go further, and say nine-tenths of the arguments of the opposite counsel, have been uttered with no pertinency to the case. They could be pertinent only, as being thought

necessary by the counsel to take, having previously interested himself for that party in the county, and not only in the county, but in the whole union, and perhaps the world; without which interest, doubtless, he never would have been concerned in the cause. He, adverting to this consideration, was led to submit views upon the subject, which might not otherwise have been pressed upon your consideration.

But, sir, I apprehend it will be necessary to proceed to an orderly investigation, of what constitutes the society of Friends; whether the party assembled were the society of Friends, or in the exercise of privileges, supposed by them to pertain to members of the society of Friends, and entitling them, so assembled, to the protection of the laws of the land. To do this, before I go into an investigation of the evidence as to the particular transaction, and the acts of disturbance complained of, as committed by the defendants, it may be necessary to advert to some documents, to show what the society of Friends is, and to show its organization and structure, as connected with this transaction.

What, then, is the society of Friends? It is not, as my brother Hubbard supposed, a society circumscribed and known only by its territorial limits. It is a community of persons, acting in unison, in religious faith, worship, and discipline, for the government of its members; not the unison in faith and worship, of one particular meeting of Friends, but, in its general aspect, embracing all the Yearly Meetings in the Universe; united in faith, in action, and discipline. I need only advert to the universal custom of the society, from its organization to this period, of sending epistles, containing statements from the particular societies, from which they are sent, to all the other societies and Yearly Meetings in unison with them; by which they become acquainted with the concerns, spiritual and temporal, of other societies in unison with them; seeking to bring forth concerted action in the world, and with all parties who are engaged.

I say, sir, that all the Yearly Meetings in the world, who profess the faith, and follow the doctrines of the society of Friends, are embraced in that general description; and I need not go further, than to advert to the writings of Geo. Fox, to show that the society of Friends, in its inception, and from that period to this, has been a society of Christians, properly so called; and I mean by this term, those who believe in the Divine character and vicarious agency of Jesus Christ. I am perfectly aware, that at an early period of this church, or of the society of Friends, as well as in the early part of the establishment of the Christian religion, there were those who attempted to attack the Divine character of our Saviour, and sought to build up to themselves a society, professing to rest



their faith on the hypothesis, that he was a mere man, good, to be sure, but lower than the angels:—a mere man, hardly gifted with the spirit of prophecy. But these were not the doctrines of the society of Friends, of George Fox and William Penn. They are not the doctrines of the society of Friends at this day.

The society of Friends are Trinitarian in their notions. And I know well, too, that even in the first and second centuries of the Christian era, there were the Gnostics, and others, who defended the doctrines now advanced by the other side. If any will advert to the early church history, to those to whom I have adverted, they will find a remarkable coincidence, even in the words of doctrine set forth by some of those distinguished persons, and those now claimed to be the genuine doctrines of Friends—I mean those inculcated in the revolutionary spirit of Elias Hicks, which doctrines my brother Hubbard thinks no man ought to dispute—doctrines inculcated in sermons, concerning which, he thinks it adviseable to sneer at my colleague, because he could not see the difference between them and Deism.

Well, sir, whatever may be the feelings of the counsel on the other side, it matters not with me, and, I apprehend, not with your honour, in our search after truth. I say, this society, as a Christian society, believes and professes, and did from its foundation, in the divinity of Christ. And I need not go, certainly, at the first step, beyond the Discipline itself, to determine the fact.—*Ohio Discipline*, p. 22. [See page 218 of this work.]

Now, can there be any thing more explicit than this? Surely there is not. But this is not all the evidence I have upon the subject. The following was published by order of the Yearly Meeting of Ohio, as containing the doctrines of the society.

“The society of Friends, from the beginning, have believed in the divinity and humanity of Christ. The history of his miraculous conception, birth, life, sufferings, death, resurrection, and ascension, as recorded by the Evangelists, we fully believe.”—(*Bates' Doctrines of Friends*, p. 76.)

“G. Fox, in his journal, vol. 1, p. 4. says: “This priest Stevens asked me, why Christ cried out upon the cross: ‘My God, my God, why hast thou forsaken me?’ and why he said, ‘If it be possible, let this cup pass from me: yet not my will, but thine be done.’ I told him, at that time, the sins of all mankind were upon him, and their iniquities and transgressions, with which he was wounded, which he was to bear, and to be an offering for, as he was man, but died not as he was God: so, in that he died for all men, tasting death for every man, he was an offering for the sins of the whole world. This I spoke, being at that time, in a measure, sensible of Christ’s sufferings.”—(*Bates' Doctrines of Friends*, p. 76.)

“G. Fox, and others, in an address to the Governor of Barbadoes, (*vide Journal*, vol. 2, p. 139,) says, “We own and believe in Jesus Christ, his beloved and only begotten Son, in whom he is well pleased: who was conceived by the Holy Ghost, and born of the Virgin Mary, in whom we have redemption through his blood, even the forgiveness of sins: who is the ex-

press image of the invisible God, the first-born of every creature, by whom were all things created, that are in heaven and in earth, visible or invisible, whether they be thrones, dominions, principalities, or powers, all things were created by Him. And we own and believe, that he was made a sacrifice for sin, who knew no sin, neither was guile found in his mouth: that he was crucified for us in the flesh, without the gates of Jerusalem; and that he was buried, and rose again the third day, by the power of the Father, for our justification, and that he ascended up into heaven, and now sitteth at the right hand of God. This Jesus, who was the foundation of the prophets and apostles, is our foundation, and we believe there is no other foundation to be laid, but that which is laid, even Christ Jesus: who tasted death for every man, shed his blood for all men, is the propitiation for our sins, and not for ours only, but also for the sins of the whole world. 'He is, (as the scriptures of truth say of him,) our wisdom, righteousness, justification, and redemption; neither is there salvation in any other, for there is no other name under heaven given amongst men, whereby we may be saved.'—(*Bates' Doctrines of Friends*, pp. 77, 78.)

Now, after reflecting on the doctrines set forth in that book, recognised as it has been, and published as it has been, by the society of Friends, with what face could the counsel say, that the society is founded on such principles that it would become a large society, giving, as a reason, that they have no creed, no belief or touchstone, by which to ascertain the faith of its members. There was a principle in the formation of this society, deeper than could be established by any of the authors to which he may resort, either Douglas or any other. And they cannot gainsay or shake the foundation, which we have shown was the foundation and practice of the society of Friends. Sir, is it necessary to go further? I apprehend it is not; for surely we ought not to multiply proofs on a subject which has already been demonstrated. Though I might multiply proofs, till I should weary your patience with the reading of them. I will say, then, once for all, that though some maintain that the society of Friends is a society of Arians or Socinians, yet they maintain that for which no authority can be found, in their early history, or in any of their testimonies or records.

What, then, is the character of the society called the Yearly Meeting of Friends of Ohio? It is necessary to solve this question. Its territorial limits, when established, embraced all the Friends, west of the mountains. It was separated from the Yearly Meeting of Baltimore. Is it representative? As a meeting for worship, it is general; but for business or discipline, it is representative in character. And if the gentlemen like the term, so far as it respects worship, it is a pure democracy; but for business, it is a representative democracy. And I will produce authorities for this assertion. And the first, is an extract from the records or minutes of the society itself.

At Ohio Yearly Meeting of ministers and elders, for the state of Ohio, Indiana territory, and the adjacent parts of Pennsylvania and Virginia, first opened and held at Short Creek, the 14th of the 8th month, 1813:

It appears, that the proposal for a division of Baltimore Yearly Meeting, which was united with, and forwarded for consideration by the Quarterly Meetings on the west side of the Allegheny mountains, having obtained deliberate attention, the following report was adopted:

“The committee appointed to unite with women Friends, in a further consideration of the interesting subject of a Yearly Meeting to be held in the state of Ohio, report, that we have several times met, and have had the company of several brethren of the Yearly Meeting of Philadelphia and Virginia; and believing, that, in our deliberations, we have been favoured with a degree of solemnity, we are free to propose, that the Quarterly Meetings west of the Allegheny mountains, within the verge of this Yearly Meeting, be at full liberty to convene together at Short Creek on the third First-day in the 8th month next, in the capacity of a Yearly Meeting, agreeably to their prospect and desire, as expressed in their reports to the meeting last year, which was united with; and the Quarterly Meetings to the westward of the Allegheny mountains, which have hitherto belonged to this Yearly Meeting, are at liberty to send representatives, and to forward their contributions and reports thereunto, accordingly.”

If this does not give power to the Quarterly Meetings to constitute this Yearly Meeting, I do not know what would. But I do not wish to confine myself, on the subject, to the minute which I have just read. I propose to probe it to the bottom. And, with that view, I will call your attention to the reports and epistles of the Yearly Meeting of Friends, from 1681 to 1800, inclusive, with an introduction to sustain the representative character of the meeting.

“The Yearly Meeting of Friends, held in London, is, at present, as for a long time past, constituted of representatives from Great Britain and Ireland, and it maintains a correspondence and connexion with the Yearly Meetings of the same denomination, now seven in number, in North America. Its records reach back to the year 1672, in which year a general meeting was held for the affairs of the society.

“In 1672 we find a representative constitution adopted. The regulations on the subject begin thus. At a general meeting of Friends, for the nation, held at Devonshire House, London, the 29th of the 3d month, 1672, it is concluded, agreed and assented unto by Friends there present, that, for the better ordering and regulating of the public affairs of Friends, relating to the truth and the service thereof, there be a general meeting of Friends held in London once a year, in the week called Whitsun-week, to consist of six Friends for the city of London, three for the city of Bristol, two for the town of Colchester, and one or two from each and every of the counties of England and Wales respectively.”—p. 4.

In the next year, 1673, at a “general meeting at London, the 20th and 21st days of the 3d month,” the following conclusions were recorded. “Agreed, that the general meeting, consisting of two Friends from each Quarterly Meeting, about public business, appointed on the 29th of 3d

month, 1672, till further order, be discontinued, till Friends, in God's wisdom, shall see a further occasion.

"That the general meeting, of Friends who labour in the work of the ministry, do continue as formerly appointed."—p. 5.

We see, then, that though the Yearly Meeting of representatives was, in 1673, discontinued, till Friends should see fit to re-establish it, yet the Yearly Meeting of ministers and elders was to continue as usual. You see that they were appurtenant to the first meeting; and when the meeting of representatives was discontinued, as a matter of expediency, the meeting of ministers and elders was continued as formerly. I now refer to pages 9 and 10. It is important, as showing the revival, (after the discontinuance in 1673,) of a general Yearly Meeting for the affairs of the society on the basis of representation. This minute shall, therefore, be subjoined at length.

"Then agreed, that the Yearly Meeting of one or two from each county (as formerly agreed upon at a general meeting, in London, upon the 29th of the 3d month, 1672, appointed yearly to meet about public affairs of Friends, sometime in the week called Whitsun-week, until further order, and afterward agreed to be discontinued from the 21st of the 3d month, 1673, till Friends, in God's wisdom, should see a further occasion for it,) be again revived, and begin this time twelve-month.

"And it is desired that the Friends who shall come up out of the several counties, be such as understand the sufferings and affairs of their respective counties."

I think, after this, there cannot be a doubt as to the representative character of this meeting. Its discontinuance and revival, after a lapse of that period, being ascertained, it cannot be disputed that the society, in its original form, was, and in its revival in 1677, continued to be, not a pure democracy, but a representative democracy.

I now ask the attention of the court to Gough's History, which was quoted with such an air of triumph and exultation by the opposite counsel, who thought he had cut off the head of this case—not that he read one part, and omitted the other, by design; yet, it would appear, that such was the fact. He was reading of the very identical period, during the continuance of the suspension. Here Mr. Wright read from vol. 2, Gough's History, pages 163 and 164.

"Sometime after Monthly and Quarterly Meetings were established, viz. in the year 1669, it was found expedient, and agreed upon, to hold a general meeting in London, representative of the whole body in England, and all other parts where any of the society were settled; which, having been thenceforward held annually, is denominated the Yearly Meeting in London.

"This meeting is constituted of representatives deputed from each Quarterly Meeting in England, from the Half Year's Meeting in Ireland, and sometimes from other parts, yet without restraining any member in unity with the society, from attending. And such places in Europe and America, as by their remote situation cannot conveniently send representatives thereto, keep up a correspondence with this meeting by epistles."

And page 166.

“From these meetings of discipline, no members of the society are excluded; but every one in unity, hath liberty to attend, and express his sentiments with freedom, in the fear of God, upon the subject matters of deliberation; but the sense of the subordinate meetings, in particular cases, is generally understood by the representation of their deputed representatives.”

Here, notwithstanding all, in unity, are at liberty to attend and express their sentiments, yet the sense of the meeting is generally understood to be determined by the representatives. If there be any difficulty or doubt remaining, after all this light has been shed upon the subject, it is determined by the representatives deputed from the different meetings. This is the answer which the historian gives, and this is the point, which my friend, Mr. Hubbard, thought it material to omit. I will now cite Penn's Select Works, fol. vol. p. 771.

“Now, the care, conduct, and discipline, I have been speaking of, and which are now practised among this people, is as followeth:

“This godly elder, in every county where he travelled, exhorted them, that some, out of every meeting for worship, should meet together once in the month, to confer about the wants and occasions of the church. And as the case required, so those Monthly Meetings were fewer or more in number, in every respective county: four or six meetings for worship, usually making one Monthly Meeting for business. And accordingly the brethren met him, from place to place, and began the said meetings: viz. For the Poor Orphans, Orderly Walking, Integrity to their Profession, Births, Marriages, Burials, Sufferings, &c. And that these Monthly Meetings should, in each county, make up one Quarterly Meeting, where the most zealous and eminent Friends of the county should assemble, to communicate, advise, and help one another, especially when any business seemed difficult, or a Monthly Meeting was tender of determining a matter.

“Also, that these several Quarterly Meetings should digest the reports of their Monthly Meetings, and prepare one for each respective county, against the Yearly Meeting, in which all Quarterly Meetings resolve; which is held in London, where the churches in this nation, and other nations and provinces, meet, by chosen members of their respective counties, both mutually to communicate their church affairs, and to advise, and be advised, in any depending case, to edification. Also, to provide a requisite stock for the discharge of general expenses, for general services in the church, not needful to be here particularized.

“At these meetings, any of the members of the churches may come, if they please, and speak their minds freely, in the fear of God, to any matter: but the mind of each Quarterly Meeting, therein represented, is chiefly understood, as to particular cases, in the sense delivered by the persons deputed or chosen for that service, by the said meeting.”

I think I have proven, conclusively, from the writings of early Friends, that the Yearly Meeting is a representative democracy, when assembled; and it does not meet this argument, or this fact, to say, that, by the tolerance of this society, other persons than representatives have been permitted to unite and vote. The very assertion, that each individual has exercised the right, and voted upon questions, is cut up by their own

position. For, in one part of their defence, they say, the society do not determine propositions by the number of voices, and by vote. Why, then, all this objection to our position, that those who are not representatives have no other authority than that of attending and aiding by suggestions and counsel? I ask, why is all this? It is because there, they follow the *penchant* of those witnesses who were travelling without the limits of the discipline of the society, while urged forward by that zeal which tramples it under foot. They had not discovered it; but when they come to call deliberate counsel, they find where it is they have erred; now they press with all the counsel that can be raised, that this government is a simple democracy, and not representative. We need not go to ancient times to find cases analogous to this. Look at the representative assembly of this nation. We have men there who are permitted to introduce subjects, to shed all the light upon them of which they are capable, and yet they are not entitled to vote upon the subject. And whenever a subject becomes difficult or doubtful, the speaker determines it. Then these persons have to be silent—I mean the delegates from our territories. They stand in a situation analogous. They come by virtue of a special legislative act; and is there any more virtue in a special legislative act than in the customs and laws of a society governing themselves? No man will pretend it, who relies upon history to sanction him in the assertion. Clarkson was cited on the other side, but I will not trouble your honour by referring to it, for in my opinion there is no one single passage that militates, in the slightest degree, against the position I have taken. Take that which my friend has just now urged, and brought to your own knowledge and experience. What does he say? Why, at the periods of these Yearly Meetings, you see the Quakers throwing aside all business, and gathering to the place appointed. And when there, they are satisfied with the proceeding of the meeting, and acquiesce in it, because they esteem it their own act. But how does this militate against my position, that they are a representative democracy? In the shedding of light in the meeting, by each individual member; as that satisfies them, their own presence has been carried into the consideration. The man goes to this assembly, and mixes with the members; and when there, if he is moved to discuss a proposition of others, or to suggest one himself, there is liberty to do so. He goes into a discussion, raises arguments against what may be advanced on the other side, and then the decision is gathered. By what? Not by numbers, but as the weight of argument in the case appears to be. That is the reason given in all the books; it is the only mode by which they gather the sense. I am told here, by the other side, that it is precisely in ac-



cordance with the mode of all the deliberative assemblies in the world. It is not so. If there be doubt, in many deliberative assemblies, they call the ayes and noes; and the Friends unite, not by the rule of the society itself, but by its original organization. It is a matter of historical truth. You count in the house of commons, in England, whence we derive our principles of government—you cannot, there, call the ayes and noes. They are unknown by parliament, by their own rules, or any other foundation on which they have acted. They decide, not by weight of argument, but by count of numbers. Is that the way in which Friends settle their questions? It is not. History says otherwise—every witness says otherwise—the gentlemen themselves have been pressed, and compelled to say otherwise; and yet they advance this argument. Well may it then be urged as a reason—(for it is well understood that Clarkson was only giving a portraiture,) why there is so little disturbance; every man feels that his voice has been carried into the making of their laws. He has been permitted to go forward to the general assembly, where the legislative and judicial powers are concentrated, there to express his own views and opinions. This is all that is meant by it; and I think it in vain to appeal to it.

This society of Friends, being representative in its character, consists of certain other parts. For the purpose of worship, it is generally public, not only for members, but for the world at large. But for the purpose of discipline, it is select. This is enjoined, not only in this Discipline, but in the Discipline of other Yearly Meetings. It has a clerk, and as it has a clerk, it has a head. And as a head, the clerk, in that position, is not contradicted in opinion.

No democracy, however simple and pure it may be, can transact business, except through some organ who collects the sense of it, and communicates that sense to the multitude for acquiescence or rejection. This society cannot transact business without some organ of communication. It chooses a clerk; and my friend Mr. Hubbard has read to show, that the clerk stands on an equal footing with other members, because he gets no pay for his services. That is all his authority. The president of a public meeting receives no pay; but does he not collect and pronounce the opinion of the meeting? And who does that in the Yearly Meeting of Friends? I care not what name you give him. Here, in the language of the Discipline, they wait on the great Head of the church. But they must have an organ of communication and decision, and that is the clerk of this society. What say the witnesses? When the discussion has ceased, the clerk makes a minute of what he thinks is the sense of the meeting, and reads it. It is then subject to the revision and control of the meeting. Your

honour, sitting as president judge, gives your decision, as the opinion of the court; and yet is not that decision subject to the revision of your associates? The decision is communicated to the clerk, and when the minutes are read, are they not subject to control and revision? There is no one will question it. Will it then be said, because your honour has entered a decision, and it is subject to the revision of the court of which you are a component part, therefore the court has no head? The dissimilarity is not in the power that is exercised; it is in the number of persons employed. If I were to indulge myself, in the employment of terms used on the other side, I would say that the assumption of the other side is ridiculous, supremely ridiculous. Their own instance, which they characterize as orderly, is strikingly illustrative of the necessity of having in all meetings some organ or head. They tell you that which will not stand the test of truth. It is at war with the whole practice of the society, with reason, and with common sense. Do they not tell you, in another breath, that there is no power to pronounce the judgment of the meeting, but the clerk; yet, say they, he has no more power than any body else. Now, how supremely ridiculous it would be, for a person in the organized meeting of Ohio, to get up and say, the sense of this meeting is so: and not wait for the clerk's minute. But if all are equal, and the clerk has no more power than any other member, then it would be perfectly right and decorous. Yet the most aged of those Friends on the opposite line, never knew of such an instance. This is all idle—it is worse than idle: it is to pervert the interests of society for the purposes of a party. Levi Pickering, who testified with great moderation and candour, said, that the clerk was the only person known to the meeting, who should gather the sense of the meeting; and that this occurrence was unlike any thing ever before seen. I am not sure that he knows any thing about it: but as he is brought by the counsel on the other side, I suppose his testimony will not be disputed. The clerk, then, was the organ, according to this evidence. If you look to the testimony on our side, you will find additional light. When a meeting is uncertain what a proposition is, Mr. Bates, whom the gentleman sneeringly calls the archbishop, says, it is the business of the clerk to decide. Is it not so in every other assembly? If a person rise to speak upon a proposition not under consideration, the presiding officer calls him to order. Any man may call him to order; but the presiding officer is to determine. So it is with the clerk: if there be a difference, it is in words, and no where else. Every power that is exercised by the presiding officer of any meeting, is exercised by the clerk of this meeting: and superadded, is the power of making the

minutes of his own decisions, and pronouncing them to the meeting.

I think I have shown, notwithstanding Mr. Hubbard has cut off the head of our case, that the society has yet, not only a head, and clerk, but it has, appurtenant to it, a meeting of ministers and elders. This is a meeting which exercises various functions, executive, legislative, and judicial. It exercises power during the recess of the Yearly Meeting. And the Yearly Meeting has now, appurtenant to it, another thing, which, the gentleman says, has brought this society into all its differences—I mean, a general conference. That conference was proposed to the society of Friends before the division in 1827. Before the separation, Ohio Yearly Meeting adopted a minute, inviting a conference from all the other societies in the world, to attend their meeting. My friend Mr. Tappan says, it was a combination entered into, to tyrannise over, and put down the Hicksites. He uses this, as an instance to prove that it was a combination—that there were foreigners, and among the rest, a subject of John Bull, who was ready, not only to engage in fight, but in prayer to the God of battles, to insure a victory. If he had looked to the minutes of the Yearly Meeting—if he had looked to his case, and not to his clients, he would have found it to be an error. The Hicksites and orthodox were united in 1827. They were all exercising their functions, and while thus united, they invited this conference. For what? To put down the Hicksites? To exercise a tyranny over those who had as good a right as the orthodox, who are, *par excellence*, called saints? This is the language used towards those invited by both parties. They are now pronounced a combination, who have confederated themselves with a little knot of Friends here, to put down, and tyrannise over, those members of the society who are crying out for liberty of conscience. Sir, this remark is gratuitous; it is unworthy of investigation, in this case, or in any other. Whether worthy of the Hicksite party—of the counsel and their employers, is not for me to say.

Nothing was done by these men, here, but what was in strict accordance with the discipline and the duties which devolved upon them. I shall, by and by, advert to the testimony of the good Mr. Scholfield; and the John Bull, Mr. Shillitoe. What did they do? It is tried to make us believe, that they attended and entered into a combination, to devise ways and means to organize and garrison the church, to exclude those not in unity with them. Judge Tappan\* goes so far as to say, that the proposition was made by Shillitoe, and agreed to. Now, I say, there is not one scintilla of evidence—not one witness has said any such thing. Not the good Mr. Scholfield,

\* Formerly a Judge in Ohio.

even his reminiscence would not carry him to that extent. On whom did they then rely? No name is given. The gentlemen think they can get along, without naming any witness. A combination, indeed! Men unite in inviting foreigners. They had an undoubted right to assemble with them; for all in the world had a right to attend this meeting; yet when they got here, having left their homes, regardless of weather and roads, and come up to this meeting and joined their brethren; why then, it is an unholy combination, a nest of hypocrites, endeavouring to exercise tyranny over the large mass of Quakers in the United States. And what act of tyranny? No act has appeared here. Have they proved this proposition? Not at all. Unless by the light shed, in relation to Shillitoe's proposition, at Short Creek Monthly Meeting. Moreover, that proposition never was made. I care not who asserted it; the proposition was never made. Those have testified who were present, who were engaged, and who have the records and minutes of the meeting; and they say, that nothing of the kind happened. Who has told it? A man says he was there; they not knowing that he was of the other side. A man who could so far forget his dignity, as to go to a meeting of another party, to get what all eaves-droppers get—that which is not good for them—such a man I do not believe. The man who is mean enough to descend to such measures to obtain knowledge, is vile enough to falsify the truth.

But we are told that the ancient doctrines are in accordance with the views of the party denominated Hicksites. There is much more authority for this, than for some of their assertions. I will refer to the same collection of the early records of the society, page 11. [The extract could not be found.]

This epistle goes on describing with wonderful accuracy the party now existing, in which it bears testimony against them, and leaves them to stand or fall upon their own might and strength. I think this does afford much stronger testimony. The party separated themselves, I do not know for how long a time. History does not tell us that they endeavoured to enter the meeting. History does not tell us that they reorganized in a column, and rushed with the power of a military wedge, over the heads of ancient Friends assembled at the altar.

It has been said, that the society of Friends, or the orthodox, have assumed the exercise of power, not conferred on them by the discipline of the society; that they exercise tyranny, and carry it into operation by force, and strive by hypocrisy to screen its purpose. Before I proceed to examine this part of the case, I would make a remark upon the name conferred on these Friends. Though no doubt accidentally conferred, in this case, as in others; still there is much propriety in the application. The party who adhere to the ancient doctrines,

are called orthodox, by way of derision. Who are the orthodox? Those of the true faith. Here, the term orthodox is rung in their ears, as if the whole burthen of offence rested in the opprobrium carried in the name. They are the ones in the true faith. I say it is in this as in other cases; the name selected in derision, indicates the true character of Friends. Those who are its leaders, and who have maintained its order, in peace and purity, are sneeringly called orthodox, by way of showing that they have no right, and that the others are those who maintain and hold to the true faith and purity. They could not have chosen a name more favourable. They who are truly orthodox are of the true faith. It is the very thing on which we lay the foundation of our claims. If we do not now maintain the principles of the society, from its inception down to the present time, then let my clients be trampled in the dust, with all the tyranny that designing demagogues would exercise, if they once possessed the power. They are the true, genuine society of Friends, deserving the name orthodox.

We have assumed power, and made ourselves tyrants; by doing what? By laying down the Monthly Meeting of Concord. This warrants the gentleman in heaping abusive epithets, till he has exhausted the vocabulary of reproach, on those venerable individuals who have come here, to testify on behalf of the state. They have laid down the meeting of Concord. Who are they, that have done this? John Street, Ladd, Taylor, and Bates. They are the arch-hypocrites, who are seeking all the property and power of the society, and trampling the Discipline under foot. What have they done? Ladd and others were deputed by the Meeting for Sufferings, or the meeting of ministers and elders, to visit the different Quarterly and Monthly Meetings in the Yearly Meeting. They saw the state of this meeting, and have attended to their duty. Was here an assumption of power? Does not the Discipline provide for it?

(Here Mr. Wright read from the book of Discipline, pages 56 and 57.)

I may be told that these passages do not, in direct terms, require the appointment of committees. The Meeting for Sufferings consists of 46 members. They could not all attend. They have hitherto acted through the intervention of committees. It is manifest from their records, and from the whole history of the society. They have appointed committees to wait on the different constituent parts. There is no prohibition. They were only to collect information, and report to the meeting for its action. Benjamin W. Ladd has gone forward in discharge of that duty, and therefore he is an arch-hypocrite, for doing what the Meeting for Sufferings required him to do!

Now, on the subject of abuse. He has acquired considerable information, as well as Bates; and, therefore, they are coupled together, for the abuse of those who are envious. But what else? Does any other act show him a tyrant? When Isaac James was advancing, filled with anger and fierce with rage, over the heads of those who filled the high seats, the ministers and aged servants of the meeting—Ladd put his hand out against his breast, and opposed his approach. And he is for that called a tyrant, an arch-hypocrite, by counsel who never use abuse when they have solid argument. What else has he done? He believes in the divinity of Christ; and therefore he is to be abused. When the opposite party were advancing, so that no remonstrance of his could prevail, he retires from the house. Does this constitute tyranny? If there is any thing more that he has done, I am ignorant. Even my friend Mr. Hubbard, who is very cautious never to say any thing indecorous, must sneer a little at Benjamin W. Ladd, for tyrannising over his brethren. But there is not one word, that fixes upon him even the shadow of tyranny. Why, then, call him a tyrant? Why, if they can excite public prejudice against the most learned, and the most influential members of the society, they think they will carry their case with the multitude, if they fail with the court. These men are to be degraded, and rendered obnoxious to injurious vituperation out door, and to every species of abuse. I do not suppose that Mr. Hubbard designed to produce that effect, or that Judge Tappan designed it; yet I do believe that such is the tendency of their arguments. And I do believe, there are some of the prompters behind the scene, who also know it, and who desired it to produce that effect.

Well, here are Mr. Taylor and Mr. Street. Why, there are not men to be found in the community who walk with more humility. Mr. Taylor a tyrant! Mr. Hubbard could not go that. He had great respect for him. He thought him an honest man, but that he was made a fool of by the archbishop. He has a great respect for him, because he is too big a fool to act for himself! This may answer where these men are not known. But it will not affect them, where they are known. There is, in the daily walk of all of them, a beauty which is calculated to excite the envy of those who know themselves to be beneath them, and who know that they can never attain their height. Unless we suppose, that none of the feelings of human action remain in bosoms that are uninfluenced by religion, we should not feel surprised that this malignity manifests itself towards these individuals. It is as natural as life. But it falls harmless at their feet. It will not affect them where they are known. It cannot affect them where they are not known; for the antidote goes forward, with the poison. Look



at their testimony. Do you find there, a zeal, which, in the language of Mr. Hubbard, runs ahead of their discretion? A desire to be forward, to force themselves? If you do, you have the astuteness to find that, which, I venture to say, never had root in their hearts.

I would, with great satisfaction, contrast Elisha Bates, Benjamin W. Ladd, and Jonathan Taylor, with other persons who have testified here—with David Scholfield, Mr. Tolerton, and Mr. Magar, on the other side. The good Mr. Scholfield! I have known him for many years, and have known him to possess extraordinary zeal. I do not say that he is not honest; but I will say this, that he came to the Yearly Meeting, with a determination to trample under foot the discipline of the meeting to which he belonged. That we see, because it comes from his own mouth; and out of his own mouth I will convict him. He was disowned, and, by the discipline of the society, had no right to attend. Yet, what do we find? At 8 o'clock in the morning, such is his zeal, at Mount Pleasant, that he is seeking to find his way into the house, where he knew that the discipline forbid him to enter. He is put up in contrast with Ladd, Elisha Bates, and Taylor. He was all meekness and charity; not the least hypocrisy about him in the world: and I believe he felt most "awfully"—lest he should say something, which might, by possibility, make against the side to which he belonged. I do not believe that he was alarmed, lest what he should say might be untrue; but I believe it was, lest he should let slip something which might make against his party.

Let us leave him, then, with his disownment upon his back, and with Mr. Tappan's remarks, and proceed to Mr. Tolerton, who is from the same Monthly and Quarterly Meeting. From Mr. Tolerton not a word of truth could come, without his twitching and being flushed with anger. He was hardly able to restrain his feelings. He is from the same Monthly Meeting with the good Mr. Scholfield. He could unite in setting up a new Monthly Meeting, and could say, when there were but five persons united in that Monthly Meeting, that it was the old Monthly Meeting, having the rights and immunities of the Monthly Meeting of Salem. And where was the house, the records, and every thing belonging to a Monthly Meeting, which identified it, and gave it a name and character, when he went away, and attached himself to New Garden? He "was certificated back" to Salem, and there united, with four other persons, to set up a new meeting at Salem!

What shall I do with Mr. Magar? I do think he has had pain enough already. I never saw a witness at the stand more pained to get out the great truth. No, I never saw a snake more pained in swallowing a toad, than he was in getting out

the truth. As for Mr. Magar, why, he knew nothing, nor how to tell any thing, without turning round and coaxing himself. He did not understand the simplest question, without repeating it to him a dozen times. And I do think all that was said by him, would not weigh a feather. Now, I have given the gentlemen an account of the three witnesses; and they are welcome, and I give them liberty, to contrast them with the persons abused on the other side. If they had forborne their attack, whatever I might have thought, I would have said little of these persons.

We are charged with tyranny, with an assumption of power, in laying down Concord Monthly Meeting. And here, Mr. Hubbard, with a view to overwhelm us with mist and smoke, about this business, reads a book about laying down a Monthly Meeting. And what does it say? Mr. Griffith, being moved to go abroad in the ministry, travelled into Europe, and visited a number of societies, and found one like those of Elias Hicks. The Quarter had tried for a considerable time, to bring them to voluntary submission. The superior meeting had forborne to exercise its power over them, till they got the consent of the members to be laid down. But they at length generally yielded. (See Griffith's Journal, 314; or 236 of this book.) Now, the gentlemen say, this is according to the usage of the society, where any hold out, or feel uneasy with the measure—it cannot be done without the agreement of the members. They at length yielded, and the meeting was laid down. Carry this along, and compare it with Concord. It was laid down in the Quarterly Meeting. When the proposition was made, there was a general acquiescence in it. The representatives, with one single exception, united. Was that not a general accordance? Yet it is said to be against their consent; it is said there is no power without consent. I think this not the true interpretation of the Discipline. [Here Mr. Wright referred to page 28 of Discipline. See 235th page of this book.]

If this language mean any thing, it means that they are in a state of subordination. If the supervisors cannot act over them, how are they to act? The Discipline is silent. And as the Discipline imposes no restraint, the power is granted. Look at the next paragraph.

“No Quarterly Meeting should be set up or laid down without the consent of the Yearly; no Monthly Meeting without the consent of the Quarterly Meeting;” &c.

The gentleman (Mr. Hubbard) read this as if reversed.

No Monthly Meeting should be laid down without the consent of the Quarterly. I pray you, was not the Quarterly Meeting consenting to lay down Concord? I should not sup-

pose, that counsel so learned would fall into such errors as this. This clause does not apply to laying down Preparative Meetings, within the bounds of a Monthly Meeting. It does not apply to that subject. The Discipline goes on to say, that no Preparative Meeting, or other meeting for business or worship; shall be set up or laid down, until application to the Monthly Meeting be first made, and when approved there, the consent of the Quarterly Meeting is to be also obtained. You shall not set up within the limits of a Monthly Meeting, any Preparative or other meeting for worship, without application to the Monthly Meeting. But that does not go back and attach itself to the other clause, so as to require the consent of the Monthly Meeting, to the setting up or laying down of the Monthly Meeting. As well might you say that no member shall be disowned without his own consent. If an individual sets up a meeting for worship under Roman Catholic discipline, subordinate to the Monthly Meeting to which he belongs, the Monthly Meeting must have power, not for laying down only, but for testifying a disunity. Those joining in Catholic worship have no right to unite with them in the Discipline; because they ought to have different objects in view. Now, would any one say, that in such a case, it would be held reasonable, that the consent of the Roman Catholic meeting should be sufficient to establish itself, or if the Catholics should get a majority within the Monthly Meeting, that there is no power in the superior to protect themselves from those who deny their faith and worship? It must, *ex necessitate rei*, have the power. You shall not set up a Monthly Meeting without consent of the Quarterly, as the one controlling the subordinate, the Monthly. It is absolutely necessary that it should have cognizance of the inferior meeting set up, to know its limits, so that if there is any thing to complain of, it may be known where to direct the complaint. Therefore, you cannot set up a Monthly, without consent of the Quarterly. The language is not, you shan't set up without consent of the Monthly. It is absurd, that a thing not yet in existence, should require its own assent to be set up. The reasoning upon this subject reminded me of an anecdote upon the bench, which I mention, not out of the slightest disrespect. When Mr. Updegraff went on to draw his conclusions, it reminded me of a case in a court of justice, where one judge, after examining a paper, handed it to the other, saying, "you will perceive there is a syllogism in this case." The reply was; "I discovered the *silly*, but never have been able to discover the *gism*." I think they have, in this case, manifested the *silly*, but not the *gism*.

No Monthly Meeting, without consent of the Quarterly, shall be laid down. That Quarter, having the supervision

and jurisdiction, did, by its solemn act, lay it down. The consent of the Quarter was had to that act—the Discipline acts directly upon it, and this express provision of the Discipline is sought to be thrown aside, by the passage read from the travels of John Griffith. There can be no act properly called an assumption of power, in determining to lay down this Monthly Meeting.

The gentlemen are impressed with the idea, that they should have carried it up to the Yearly Meeting. Mr. Tappan was so far pressed with it, that he found occasion to interpose an apology, by assuming that there was no other way of appeal, but to attend at the Yearly Meeting, to bring forward this subject for the revision of the Yearly Meeting. This is the proposition and the application; but how foreign is the fact in the case. But it is said that a meeting, in its congregated capacity, cannot appeal; that a Monthly Meeting, as such, has no power to appeal. I ask, why not? Is there a prohibition in the book? No. But, on the contrary, there is a provision for an appeal, in the 8th page. But I am told, that this is an appeal from a Monthly Meeting to the supervisory power. The appeal from the meeting in a subordinate state is expressly provided for; and it is provided, that when an examination into the proceedings takes place, they shall furnish records, though it is not expressly said that a meeting may appeal. But it says that any one may appeal.

Judge Tappan has carried his clients forward to the Yearly Meeting, for the purpose of bringing up this business. It is said, that the right of appeal provided, is for individuals, and not for the aggregate mass. Now, I apprehend, that, if the law, recognising supervisory power, requires of the subordinates to make a copy of its records, and carry them to the superior, the right of appeal is perfect. And if the appeal extends only to those under individual grievances, without subjecting the party to be trammelled by any particular rules, yet there must be an appeal, and notification, that the appeal will be entered, and that the superior meeting will be called on to revise: and I care not whether it be an individual or otherwise. The general character of the supervisory power of the superior meeting, and subordination of the others, is provided for in the 28th page of the Discipline. To what end, I pray you, would the legislative body have provided for revising the proceedings of subordinate meetings, if it were not, that they have the power of bringing the question before them? If any thing else be wanted, here we have it. [Here Mr. Wright read from the 28th page of the Discipline. See page 235 of this work.] And yet it is said, there is no right of appeal; and we are told, that the supervisory power is nugatory. I do not believe in such doctrine as this; that the

Yearly Meeting of Ohio is subject to be tainted by the decision of men who differ from them, in faith and belief, and who say, that the act of the subordinate tribunal is null and void, because of an omission to make, by special legislative provision, a rule for carrying up the appeal.

If I am correct in this, the whole weight of argument on the other side, falls prostrate to the ground. There was a decision of the Quarterly Meeting—it may be erroneous. It may have carried into it the seeds of tyranny. It may have contained within itself that which should have called on the superior meetings in imperative language, to reverse that proceeding; yet it stands unreversed and unrevised, on the minutes of the Quarterly Meeting, where it possesses all its obligatory force in operating on the members. (I agree, and most heartily, that if an inferior tribunal, ecclesiastical or temporal, proceeds to judge a case without its jurisdiction, the judgment rendered is a nullity. The party sought to be operated on by it, need not regard it, because it is a nullity.)

But it is shown by the discipline, that the Quarterly Meeting had power and control over the Monthly. The Monthly Meeting may be laid down by consent of the Quarterly, either by the exertion of the power of the Quarterly upon its sole discretion; or by the exertion of it, upon the expressed desire of a Monthly Meeting, seeking to be laid down. If I have construed this matter rightly, then this judgment of the meeting stands good—there is no assumption of power. We have instances cited to us in such a manner, as to induce us to believe them conclusive—for instance, the Quarterly Meeting in Baltimore laying down a Monthly. But let us look at that case. It is brought forward to show that we had no power to lay down Concord Monthly Meeting. A Monthly Meeting sought to maintain a separate interest in property, and the Quarterly sought to reconcile all the brethren in society: they had tried ineffectually to do this. Each party maintained themselves in the power which they had, or supposed they had. In that state of the question, the Quarterly applied to the Yearly; for advice. The Yearly Meeting said the Quarter had power to lay down the Monthly Meeting, and advised them, that unless the Monthly complied with the instructions of its superior, the Quarter should proceed to lay it down. Such was the advice—it recognised the power of the Quarterly, and the Monthly Meeting was laid down. And, if Hamilton's testimony is worthy of credit, it was by the power which the Quarterly Meeting had; for the Yearly Meeting did not interfere further than to give advice. The Yearly Meeting of Baltimore had determined, as I have determined, that the Quarterly, had power to lay down a Monthly Meeting,

and *that* without their consent; and the testimony of advice was given, so to proceed.

Again; this part of the discipline never could be maintained or carried into execution on any other construction; for you never can get the consent of the power which you wish to annul. You can disunite yourselves from them by disownments; but the censure of the church, called the society of Friends, operates only admonitorily. It works by way of admonition, to disownment. It undertakes to impose no pecuniary penalty. If you set up a faith, foreign to the faith which the church acknowledges, you must go from our union, you are no longer one of us. You are not in unity with us. The power of churches is limited to this. They must always be limited when church and state are not connected. And I hope we never shall arrive at the day in this country, when they will be connected. The whole church history, in all its forms, shows no instance, where they have not been connected, of any pecuniary mulct imposed, for worshipping with those not in unity with the church. I do not feel disposed to enlarge upon this subject. I think the fact of power in the Quarterly, is indubitably established, by the nature of the discipline.

Well, we have been guilty of an assumption of power in another instance, in relation to that false and forged document; which was thought to be, to use the language of the opposite counsel, crammed down the throats of the Hicksites. Well, what is this testimony from Indiana? It is in evidence, that it is a testimony against certain errors in the land, which have taken root, and deep root, in the Yearly Meeting, over which this committee preside. It is sent from the Yearly Meeting of Indiana to the Yearly Meeting of Ohio—to the members of the Yearly Meeting of Ohio, denominated the Meeting for Sufferings. They had the power of publishing granted to them: they had the right of publishing this. They exercised this power during the recess of the Yearly Meeting: and they determined further, that they would send it to the Quarterly and Monthly Meetings with a testimony of advice. [Here Mr. Wright referred to the testimony from the Meeting for Sufferings.] Well, if this be an act of tyranny, it is the most humble and unassuming ever witnessed. Does it seek to cram any thing down the Hicksites, or any other people? It does not. It is earnestly recommended to the serious attention of the members of the society. Suppose it were false. Suppose its arrangement were unfair. Did it force upon the people doctrines which they disbelieve? Does it seek or require of them a subscription to this, as an article of faith? It does no such thing. It gives advice in a spirit of brotherly love and affection, to the different meetings within their Yearly Meeting. And



in that advice it earnestly exhorts all those who seek after truth to read it, diligently and seriously: not to believe it, without they do believe it. Here we are told, that it originated all this disturbance: that it is an act of tyranny, enforcing upon the society that which is forged and false. If this be tyranny, then I ask, what is the lawful exercise of power? If this be tyranny, then what is advice? If this be called cramming, then what was that rush that went into the meeting house, and forced the members from their places?

But it is false, says the gentleman: it is forged. He gives himself great credit for *not* saying what he says: yet it would puzzle him or his associate counsel, Mr. Hubbard, to find out where the falsehoods are. They speak of a quotation, said to be made in this testimony, which they say is false. The writer has quoted, from memory, the passage from the Berean: "In vain does any man quote the scriptures as *authority* for his opinions;" which the epistle quotes thus: "In vain does any man quote the scriptures as *authority to maintain* his opinions." Your honour sees the difference. There is no difference in the substance, as to citing scripture for his opinions. There could be no other meaning attached to it. Again, the gentleman says that the latter member of the sentence is left out: viz. "for if they have not been immediately revealed to his own mind, by the Holy Spirit, they deserve no better name, as it respects him, than speculations." Does that help the case? If the scriptures of truth have not been specially revealed to a man, they deserve no better name to him than speculations! If I had been drawing up the Indiana testimony, I should have quoted that. Sir, are the scriptures of truth to take the character of speculations? to take no authority, because they have not been specially revealed to every Hicksite? I place not the scriptures of truth on such a foundation as that. They are revealed for our use; if not to us, individually, who are to have the benefit of them? I do not think it necessary to look to any thing further on this subject, but will remark, that, when Mr. Hubbard and Mr. Tappan took occasion to pronounce upon this paper, that it was unequivocally false and forged, containing a testimony of lies, the promulgation of which is tyranny on the part of those who issued it, they show that they have assumed a position which they cannot maintain; as Mr. Tappan did also in relation to cramming it down the throats of the Hicksites. Yet this book or testimony, has been held up as the origin of the quarrel. My friend has been engaged in setting it before you in an unwarrantable manner.

We have been asked, here, to show what there is in the doctrines of Elias Hicks that militates against the doctrines of the society of Friends. Mr. Goodnow said he could not swal-

low the doctrines of Elias Hicks.—I can say, that he is a Deist, and that his doctrines are deistical, if deism consists in a denial of the divinity of Christ.

Court adjourned till 9 o'clock to-morrow morning.

*Tuesday, October 24th, 9 o'clock, A. M.*

*Mr. Wright, in continuation.*—At the time the court adjourned, I was proceeding to answer the challenge which was thrown out on the other side; to show, that, from the doctrines and public discourses of Elias Hicks, he maintains what I understand to be deism. And to vindicate and support this much abused and vilified testimony of Indiana, I will read from the book of Sermons.

“Who was his Father? He was begotten of God. We cannot suppose that it was the outward body of flesh and blood that was begotten of God, but a birth of the spiritual life in the soul. We must apply it internally and spiritually. For nothing can be a Son of God, but that which is Spirit; and nothing but the soul of man is a recipient for the light and Spirit of God. Therefore, nothing can be a Son of God, but that which is immortal and invisible. Nothing visible can be a Son of God. Every visible thing must come to an end, and we must know the mortality of it. Flesh and blood cannot enter into heaven. By the analogy of reason, Spirit cannot beget a material body, because the thing begotten must be of the same nature with its father. Spirit cannot beget any thing but Spirit; it cannot beget flesh and blood—No, my friends, it is impossible.”—(*Hicks' Sermons*, 1825 ed. p. 10 & 11.)

“So, here, we see Jesus made lower than the angels, on account of his suffering death. He was tempted in all points as we are. [Now how could he be tempted if he had been fixed in a state of perfection, in which he could not turn aside? Can you suppose, as rational beings, that such a being could be tempted? No, not any more than God Almighty could be tempted. Perfection is perfection, and cannot be tempted. It is impossible. And here it is proved to a demonstration, that he came to be an example to the children of men; a great High Priest and teacher, in those things which concern the salvation of the children of men. And here he did his office, as a great High Priest of the Jewish covenant, in that outward dispensation, in which he was limited to the Jewish people as a child of Abraham; to sum up all the righteousness of the law, by faithfulness to it.”—(*Hicks' Sermons*, 1825 ed. p. 253.)

“Therefore, he told his disciples, “It is expedient for you, that I go away, for if I go not away, the comforter will not come.” He speaks nothing but the truth: for so long as the Jews had him to look at, they never could rise any higher—while he was bodily with them. That part must be entirely taken away. It must be dissolved, and be so no more. We must have no remembrance of it; because, if we did worship it, it would be the worship of an image.”—(*Hicks' Sermons*, 1825 ed. p. 261.)

“For, as I have observed, we are not now to look to an outward law, for it is inconsistent with the last dispensation of God to the children of men, which is, to gather all souls to himself, that he may have communion with them, without any thing intermediate, as he had with our first parents. This was their condition—there was then no mediator between God and man; for there was no necessity for it.”—(*Quaker*, vol. 4, p. 21.)

“I cannot help you on your way, only to recommend you to the right

means, which is the light in your own souls, and here I must leave you. And that has been the case with all the ministers, that the Lord has sent into the earth, even his beloved Son.”—(*Quaker*, vol. 4, p. 26.)

“It wont do to look back to him as an outward man, because the true Saviour never was to be seen in an outward way; but we must look forward to that which is spiritual, to ‘Christ within, the hope of glory.’ It speaks nothing of Christ without, the hope of glory; and for us to go to the learned of the world, to translate these doctrines, what folly, when the light of truth in our own hearts will interpret them better than all the learned men in the world. Indeed, how can they do it, since they deny revelation, thus taking the effect for the cause; what an inconsistency.”—(*Quaker*, vol. 4, p. 48.)

“What is the Son of God, and where is he? Do the professors of Christianity think that that Jesus, born of the virgin Mary, is the only Son of God, that can give us a knowledge of the Father? They must be dark indeed—he can do nothing for any of us. It is nothing but the birth of God in the soul that can give us any knowledge of God—it was the birth of God in Jesus, that light and life that was in him, that revealed the Father in him and to him.”—(*Quaker*, vol. 4, p. 64.)

“Here we learn that in his external manifestation, he was not truly and properly a Saviour of souls; for he had been born and had lived under the shadowy dispensation, which from the beginning to the end was nothing but a figure, as it respects the soul and its salvation. He was an external Saviour to the Israelites, and to the Israelites only, except in an instance or two. He saved them from their pollutions, and their diseases of various kinds that attended them; such as the leprosy, blindness, deafness.”—(*Quaker*, vol. 4, p. 74.)

“Jesus Christ, the Saviour of the soul, never was seen by the eyes of men, and for ever will be the same power of God, and same divine anointing with which Jesus was anointed.”—(*Quaker*, vol. 4, p. 84.)

“For instance, the doctrine of original sin, and of our being made holy by the righteousness of another! Now can any rational being—any man or woman believe in such doctrines as these.”—(*Quaker*, vol. 4, p. 137.)

“And what is Christ the true Saviour? Nothing else, and never was any thing else, in regard to the salvation of the soul, but this light and life of God in the soul, which comprehends the wisdom and power of God.”—(*Quaker*, vol. 4, p. 234.)

There is one other extract from Elias Hicks, which I will read for the benefit of the counsel.

“Oh! that men of science might be aware what a curse they are to the inhabitants of the earth; what a great curse. But they will not believe it till they turn to this comforter—this Spirit of Truth, that leads into all truth.”—(*Hicks’ Sermons*, 1825 ed. p. 53.)

After looking to these extracts, I think we shall see, that we have not gone too far. I do not wish it to be understood, that I think all those who follow Elias Hicks, entertain the same notions that he does, or that they entertain the belief that he is a deist. I believe, if we go through the book, we shall find the same sentiments, covered with a species of clothing, to blind the understanding, till persons shall be drawn sufficiently to carry his doctrines into execution. I have thought proper to refer to this, to vindicate the testimony from Indiana, which has been so reviled and abused; and set forth by the opposite

counsel as the origin and root of evil—of the quarrel which has taken place in this church. This outraged document has been represented as a palpable falsehood and forgery—that it was intended, to aid in carrying into execution the designs of the orthodox party, in tyrannising over their fellows. I will read from Evans' Exposition the following passages.

“George Whitehead being questioned by a priest as to his belief in the Trinity, gives this reply:—

“I answered him in terms, in terms of Holy Scripture, viz. That I really own and believe the Father, the Son, and the Holy Ghost, are the three which bear record in Heaven; the Father, the Word and the Holy Ghost; and these Three are One, according to the doctrine of John the Evangelist. 1 John v. 7.”—(*Works*, p. 168.—1659.)

“The Holy Scripture Trinity, or Three thereby meant, we never questioned, but believed, as also the unity of Essence, that they are one substance, one Divine Infinite Being; and also we question not, but sincerely believe, the relative properties of Father, Son, and Holy Ghost, according to Holy Scripture testimony, Matt. xxiii. 19.; and that these Three are One, 1 John v. 7.”—(p. 195.—1659.)

“In order that the different denominations of protestants might avail themselves of the benefit of the act of Toleration, they were obliged to subscribe to a declaration of their Christian belief. The form required by the committee of parliament, not being agreeable to Friends, they propose a substitute. George Whitehead, speaking of the subject, says:

“Yet to prevent any such from being stumbled or ensnared, by some expressions in the aforesaid profession or creed, (which appeared unscriptural) in the said bill, we, instead thereof, did propose and humbly offer, as our own real belief of the Deity, of the Father, Son, and Holy Ghost, viz. ‘I profess faith in God the Father, and in Jesus Christ, his eternal Son, the true God, and in the Holy Spirit, one God, blessed for ever; and do acknowledge the Holy Scriptures of the Old and New Testament, to be given by divine inspiration.’

“Which declaration, John Voughton and I delivered to Sir Thomas Clergis, who, with some others, were desirous we should give in such confession of our Christian belief, that we might not lie under the unjust imputation of being no Christians, nor thereby be deprived of the benefit of the intended law for our religious liberty. We were, therefore, of necessity, put upon offering the said confession; it being also our known, professed principle, sincerely to confess Christ, the Son of the living God, his divinity, and as he is the eternal word, and that the three which bear record in heaven, the Father, the Word, and the Holy Ghost are one, one Divine Being, one God, blessed for ever.”—(page 635.—1689.)

I think a reference to these authorities will establish the opinion, that the faith of Friends is Trinitarian, predicated on the divinity of Jesus Christ; and that the faith and doctrines of Elias Hicks are contrary to that. And that those who set up a church founded on his doctrines, cannot be styled the society of Friends.

There is in the forepart of this book, [Evans' Exposition,] a catalogue of 125 authorities, maintaining the doctrine, that Friends are Trinitarians. Here Mr. Wright, at the sugges-

tion of Mr. Hubbard, read from the 13th and 14th pages of Penn's Select Works, the following:

“*Refuted from Right Reason.*—1. If there be three distinct and separate persons, then three distinct and separate substances, because every person is inseparable from its own substance. And as there is no person that is not a substance in common acceptation among men, so do the scriptures plentifully agree herein: and since the Father is God, the Son is God, and the Spirit is God, (which their opinion necessitates them to confess,) then, unless the Father, Son, and Spirit, are three distinct nothings, they must be three distinct substances, and, consequently, three distinct Gods.

“2. It is farther proved, if it be considered, that either the divine persons are finite or infinite. If the first, then something finite is inseparable to the infinite substance, whereby something finite is in God: if the last, then three distinct infinities, three omnipotents, three eternals, and so three Gods.

“3. If each person be God, and that God subsists in three persons, then in each person are three persons or Gods, and from three they will increase to nine, and so *ad infinitum*.

“4. But if they shall deny the three persons or subsistences to be infinite, (for so there would unavoidably be three Gods,) it will follow that they must be finite, and so the absurdity is not abated from what it was; for that of one substance having three subsistences, is not greater, than that an infinite being should have three finite modes of subsisting. But though that mode which is finite cannot answer to a substance that is infinite; yet to try if we can make their principle to consist, let us conceive that three persons, which may be finite separately, make up an infinite conjunctly: however, this will follow, that they are no more incommunicable or separate, nor properly subsistences, but a subsistence; for the infinite substance cannot find a bottom or subsistence in any one or two, therefore jointly. And here, I am also willing to overlook finiteness in the Father, Son, and Spirit, which this doctrine must suppose.

“5. Again, if these three distinct persons are one, with some one thing, as they say they are with the godhead, then are not they incommunicable among themselves; but so much the contrary, as to be one in the place of another. For if that the only God is the Father, and Christ be that only God, then is Christ the Father. So if that one God be the Son, and the Spirit that one God, then is the Spirit the Son, and so round. Nor is it possible to stop, or that it should be otherwise, since, if the divine nature be inseparable from the three persons, or communicated to each, and each person have the whole divine nature, then is the Son in the Father, and the Spirit in the Son; unless that the godhead be as incommunicable to the persons, as they are reported to be amongst themselves: or that the three persons have distinctly allotted them such a proportion of the divine nature, as is not communicable to each other; which is alike absurd. Much more might be said to manifest the gross contradiction of this trinitarian doctrine, as vulgarly received; but I must be brief.”

I think we shall be able to prove, notwithstanding the passages which have been shown on the other side, that these do not militate at all against the position which I have taken: That the doctrines of Elias Hicks are not the doctrines of the society of Friends, and that they are deistical doctrines. That a passage found in this book, accords with Elias Hicks in a certain degree, only goes to establish the faith and doctrines of all the authorities that I have read, when it is known that

an isolated passage only, appears to agree with the doctrines of Elias Hicks. I had mentioned to me yesterday, as in unison with the doctrines of Elias Hicks, "Sandy Foundation Shaken." It seemed to be triumphantly mentioned, as though it would sweep away all that had been said on the opposite side. Now, what was that work? It was a controversial work of William Penn's, written for the purpose of refuting the arguments of others, in which he pushed his doctrine to the utmost limit; not having, for his object, to give his own faith, or the faith of those in belief with him.

Now, need I go out of this house, to find instances as strong as need be found, to prove, that arguments, pushed to their utmost limits, ought not to be used. How was it with my friend, Mr. Hubbard, and friend Tappan, in their arguments? I think that either will furnish clear proof, that arguments, pushed to the extreme, are not to be relied on, in fixing the faith of a society. William Penn, in speaking of the charges brought against the society of Friends, as not believing in the divinity of Christ, says,

"SECTION 5.—*Of the Holy Three, or Scripture Trinity.*

"*Pervers.* 'The Quakers deny the Trinity.'

"*Princip.* Nothing less: They believe in the Holy Three, or Trinity of Father, Word, and Spirit, according to scripture. And that these three are truly and properly one: of one nature as well as will. But they are very tender of quitting scripture terms and phrases for schoolmen's; such as 'distinct and separate persons,' and 'subsistences,' &c. are; from whence people are apt to entertain gross ideas and notions of the Father, Son, and Holy Ghost."—(*Wm. Penn's Select Works*, fol. vol. p. 682.)

"SECTION 8.—*Of Christ Jesus, his Death and Sufferings.*

"*Pervers.* 12. 'The Quakers expect to be justified and saved by the light within them, and not by the death and sufferings of Christ.'

"*Princip.* This is both unfairly and untruly stated, and charged upon us. But the various sense of the word justification, obliges me here to distinguish the use of it: for in the natural and proper sense, it plainly implies, making men just, that were unjust; godly, that were ungodly; upright, that were depraved: as the apostle expresseth himself, 1 Cor. 6 ch. 2 v. 'And such were some of you; but ye are washed, but ye are sanctified, but ye are justified, in the name of our Lord Jesus, and by the Spirit of our God.' In the other use of the word, which some call a law-sense, it refers to Christ; as a sacrifice and propitiation for sin, as in Rom. 5 ch. 9 v. 'Much more then, being now justified by his blood, we shall be saved from wrath through him:' and 1 John, 2 ch. 'If any man sin, we have an advocate with the Father, Jesus Christ, the righteous, and he is the propitiation for our sins; and not for ours only, but also for the sins of the whole world.' Which, though a great truth, and most firmly believed by us; yet no man can be entitled to the benefit thereof, but as they come to believe, and repent of the evil of their ways; and then it may be truly said, 'that God justifieth even the ungodly, and looks upon them through Christ, as if they had never sinned; because their sins are forgiven them for his beloved son's sake.'

"Not that God looks on people to be in Christ, that are not in Christ; that is, that are not in the faith, obedience, and self-denial of Christ; nor sanctified, nor led by his spirit, but rebel against it; and, instead of dying



to sin; through a true and unfeigned repentance, live and indulge themselves daily in it; "for they that are in Christ become new creatures; old things are passed away, and all things (with them,) become new." Wherefore, we say, that whatever Christ then did, both living and dying, was of great benefit to the salvation of all that have believed, and now do, and that hereafter shall believe in him unto justification and acceptance with God; but the way to come to that faith, is to receive and obey the manifestation of his divine light and grace in their consciences; which leads men to believe and value, and not to disown or undervalue Christ, as the common sacrifice or mediator. For we do affirm, that to follow this Holy Light in the conscience, and to turn our minds, and bring all our deeds and thoughts to it, is the readiest, nay, the only right way to have true, living, and sanctified faith in Christ, as he appeared in the flesh, and to discern the Lord's body, coming and sufferings aright, and to receive any real benefit by him, as their only sacrifice and mediator, according to the beloved disciple's emphatical passages, "if we walk in the light, as (God) is in the light, we have fellowship one with another, and the blood of Jesus Christ, his Son, cleanseth us from all sin." And because this people say, that Christ's outward coming and sufferings profit not to their salvation that live in sin, and rebel against this divine light; some have untruly and uncharitably concluded, that they deny the virtue and benefit of Christ's coming and sufferings in the flesh as a sacrifice for sin. Whereas, we only deny and oppose a false and dangerous application of them in and to, a disobedient state."—(*Wm. Penn's Select Works*, fol. vol. p. 683—4.)

"SECTION 3.—We do believe that Jesus Christ was our holy sacrifice, atonement, and propitiation; that he bore our iniquities, and that by his stripes we were healed of the wounds Adam gave us in his fall; and, that God is just in forgiving true penitents upon the credit of that holy offering Christ made of himself to God for us; and that what he did and suffered, satisfied and pleased God, and was for the sake of fallen man, that had displeased God: and that, through the offering up of himself once for all, through the Eternal Spirit, he hath for ever perfected those (in all times,) that were sanctified, 'who walked not after the flesh, but after the spirit.' Rom. 8th ch. 1st v. Mark that."—(*Wm. Penn's Select Works*, fol. vol. p. 799.)

*Concerning Jesus Christ.*

"Because we believe, that the word which was made flesh, and dwelt amongst men, and was and is, the only begotten of the Father, full of grace and truth; his beloved Son, in whom he is well pleased, and whom we ought to hear in all things; who tasted death for every man, and died for sin, that we might die to sin: is the great light of the world, and full of grace and truth; and that he lighteth every man that cometh into the world, and giveth them grace for grace, and light for light, and that no man can know God and Christ, (whom to know is life eternal,) and themselves, in order to true conviction and conversion, without receiving and obeying this holy light, and being taught by the divine grace; and that without it, no remission, no justification, no salvation, (as the scripture plentifully testifies,) can be obtained: and because we, therefore, press the necessity of people's receiving the inward and spiritual appearance of this divine word, in order to a right and beneficial application of whatsoever he did for man, with respect to his life, miracles, death, sufferings, resurrection, ascension, and mediation, our adversaries would have us deny any Christ without us. First, as to his divinity, because they make us to confine him too within us. Secondly, as to his humanity, or manhood, because as he was the son of Abraham, David, and Mary, according to the flesh, he cannot be in us, and therefore we are heretics and blasphemers; whereas, we believe him, according to scripture, to be the son of Abraham, David, and Mary, after the

flesh, and also God over all, blessed for ever. So that he that is within us, is also without us, even the same that laid down his precious life for us, rose again from the dead, and ever liveth to make intercession for us, being the blessed and alone mediator betwixt God and man, and him by whom God will finally judge the world, both quick and dead: all which we as sincerely and steadfastly believe, as any other society of people, whatever may be ignorantly, or maliciously, insinuated to the contrary, either by our declared enemies or mistaken neighbours.”—(*Wm. Penn's Select Works*, fol. vol. p. 809.)

“*Concerning the Father, the Word, and the Spirit.*”

“Because we have been very cautious in expressing our faith concerning that great mystery, especially in such school terms, and philosophical distinctions, as are unscriptural, if not unsound, (the tendency whereof hath been to raise frivolous controversies and animosities amongst men,) we have, by those that desire to lessen our Christian reputation, been represented as deniers of the Trinity at large: whereas, we ever believed, and as constantly maintained, the truth of that blessed (holy scripture) ‘three, that bear record in heaven, the Father, the Word, and the Spirit, and that these three are one;’ the which, we both sincerely and reverently believe, according to 1 John, 5th ch. 7th v. And this is sufficient for us to believe and know, and hath a tendency to edification and holiness; when the contrary centres only in imaginations, and strife, and persecution, where it runs high, and to parties, as may be read in bloody characters, in the ecclesiastical histories.”—(*Wm. Penn's Select Works*, fol. vol. p. 811.)

“*Of Christ's being our Example.*”

“Because, in some cases, we have said, the Lord Jesus was our great example, and that his obedience to his Father doth not excuse ours; but as by keeping his commandments, he abode in his Father's love, so must we follow his example of obedience, to abide in his love; some have been so ignorant (or that which is worse,) as to venture to say for us, or in our name, that we believe our Lord Jesus Christ was, in all things but an example.

“Whereas, we confess him to be so much more than an example, that we believe him to be our most acceptable sacrifice to God his Father; who, for his sake, will look upon fallen man, that hath justly merited the wrath of God; upon his return by repentance, faith, and obedience, as if he had never sinned at all.”—(*Wm. Penn's Select Works*, fol. vol. p. 811.)

“*Of Christ's Coming both in Flesh and Spirit.*”

“Because the tendency (generally speaking,) of our ministry, is, to press people to the inward and spiritual appearance of Christ, by his spirit and grace in their hearts, to give them a true sight and sense of, and sorrow for, sin, to amendment of life and practice of holiness; and because we have often opposed that doctrine of being actually justified by the merits of Christ; whilst actual sinners against God, by living in the pollutions of this wicked world, we are by our adversaries rendered such, as either deny or undervalue, the coming of Christ without us, and the force and efficacy of his death and sufferings, as a propitiation for the sins of the whole world.

“Whereas we do, and hope we ever shall (as we always did) confess, to the glory of God the Father, and the honour of his dear and beloved Son, that He, to wit, Jesus Christ, took our nature upon him, was like us in all things, sin excepted: that he was born of the Virgin Mary, went about amongst men doing good, and working many miracles: that he was betrayed by Judas into the hands of the chief priests, &c. That he suffered death under Pontius Pilate, the Roman governor, being crucified between two thieves, and was buried in the sepulchre of Joseph of Arimathea: rose again the third day from the dead, and ascended into heaven, and sits at God's right hand, in the power and majesty of his Father; and that by him, God the Father will one day judge the whole world, both of quick and

dead, according to their works."—(*William Penn's Select Works*, fol. vol. p. 812.)

"Your fifth charge is, 'that we deny the Trinity.' But you should, in justice, have added, of persons, with all the school-niceties and distinctions that belong to that sort of explication of Scripture; for to that only it is your first proof refers, viz. W. P.'s Sandy Foundation, p. 12. 'For the scripture nowhere calls God the Holy Three of Israel, but Holy One of Israel.' And if he had said Imagined Trinity, p. 16, as you cite, which he does not, in the copy we have, it ought not to be so heinous with you, since Three Persons are not to be found in the Bible, which you exalt for the only rule of faith."—(*William Penn's Select Works*, fol. vol. p. 672.)

I do not know, that it would be profitable for a right understanding of this subject, to consume more time in reading authorities. The vast number of authorities cited in the book that I have referred to, [Evans' Exposition,] and the great number of passages quoted from Elias Hicks' Sermons, cloaked and covered up as they are, are such, that it does seem to me, the mind cannot hesitate in coming to a conclusion about the doctrines maintained on the one side by Friends, and those entertained on the other side by Elias Hicks and his followers. I may misinterpret it, for I pretend to no perfection in the matter; but to my understanding there can be no doubt or question, but that the doctrines promulgated by Elias Hicks are the doctrines of deism. If they are so, and if I am right in the position on which I have based my argument, that the society of Friends is a society of Christians, who worship and believe in the divine personage of Jesus Christ, and his vicarious agency; am I not right in drawing this conclusion, that Elias Hicks is an opposer of these doctrines, and at enmity with them; and, that sustaining him and his principles, must tend directly to the subversion of the ancient faith and belief of this society.

I draw a distinction between the indisputable faith and belief proclaimed by both these parties, and the colourable passages interspersed throughout the writings of those, as I understand it, who are labouring to subvert the ancient principles of the society. There is nothing new in this. It has been the case ever since the creation of the world. It has not been confined or limited to religious controversy. It embraces all classes of men in the world, as to controversial points. If there be established order, upon settled principles, there arises a revolutionary spirit, which seeks to subvert that order, and to erect upon its ruins a different order of things. This is precisely the mode adopted by Elias Hicks; colouring words, and deluding by false lights: pretending to be one thing, and meaning another, till he has increased in strength and power sufficient to withstand you. No other course has ever been pursued, or will be, unless men be moved by different motives than those hitherto known. If Elias Hicks were to come for-

ward, in broad day, and own, in terms, that he is a disbeliever in the divinity of Christ, there are very few of those who now sustain him in his course, that would stick to him any longer. They would reject him; and they would reject his ministry; as being the work of the devil. I say this, because I believe that a large majority of those who are now sustaining him, are doing it under a mistaken notion of his doctrines. I entertain the belief, that they are mistaken, because they are covered, to answer his purpose, of shaking the understanding and belief, of those to whom he addresses himself.

Then, how does this opinion affect the question of the much abused testimony that I hold in my hand? It is, says Judge Tappan, the foundation of all these disturbances: the work of the archbishop; the work of tyranny and impudence: of those who would force it down the throats of others. It not only bears testimony in humility, but in sincerity. Of what? It bears testimony against those doctrines which are now taking deep root in our country, jeoparding not only this church, but all others, that believe in the divinity of Christ. They cautioned those of their belief against giving heed to these doctrines, exhorting them to pray for strength from the Almighty, to enable them to resist their influence. This is the abused testimony, and the advice coming from the Meeting for Sufferings, no part of which is deserving of the epithets which have been applied by the other side. We hear of cramming. Let us hear the language of this advice.

[Here Mr. Wright read the advice of the Meeting for Sufferings of Ohio Yearly Meeting, introductory to the Indiana epistle.]

Now, if this be cramming doctrines down the throats of unbelievers; and if it be a matter of persecution, that should call for all this excited feeling, that this testimony has been printed and disseminated among them, then I know of nothing in the work of love, or admonition, or invitation, that could be sent forth from ministers and elders, in the Meeting for Sufferings, exhorting the people to unite with them in faith, and stick to the ancient principles of the society, which would not be persecution and cramming. We are told that the Yearly Meeting for Discipline prohibits the Meeting for Sufferings from imposing any new faith. There is no attempt here to do any such thing. There is an exhortation to abide by the ancient faith; and I have shown that the ancient faith is, indeed and in truth, the same as here set forth.

Who has been required to believe what is herein stated? No man. The counsel, in all their ingenuity, advancing with testimony, and without testimony, have not found it in their power to identify an individual who has been operated on, or coerced by the testimony from Indiana. Was David Schol-

field disowned for that? The good David Scholfield! The testimony of disownment, that called forth so much sarcasm from the gentleman at my right, does not show any such fact. For what was he disowned? For uniting in belief with Elias Hicks; denying the divinity of the Saviour of men, contrary to the belief and doctrines of the society. Are we to presume that the society to which the good David Scholfield belonged, disowned him, and declared him disunited with them in belief, for no reason? It will do for my friend to presume this. But they bore testimony against him for some purpose. We have been told that it was because of this book, [the Indiana testimony.] But there is not a word of it, in the testimony of disownment. It refers to the doctrines of Elias Hicks, as contained in the book from which I have read some passages. And if David Scholfield did entertain the doctrines contained in this book, the overseers, and ministers and elders, would have been negligent of their duty, and recreant, if they did not bear testimony against him.

Is David Scholfield one of the defendants? No. Is he complained of as one of the parties? No. He has appeared here as a make-weight. And he is relied on as one of the principal witnesses. And although we have shown that he has been disowned, and disowned lawfully, yet he is brought here as a witness to whom credit is to be given, against the testimony of those on the other side. And this David Scholfield has introduced this saving clause: that he did not wish to speak very positively as to any particular points. This makes him a most capital witness; for he kept a saving clause for any little aberration. It is worthy of remark, that of all the witnesses who have borne testimony in relation to Thomas Shillitoe, David Scholfield stands alone, in establishing the fact, which is here made the burthen of half the argument of Mr. Tappan, as to the character of the supplication of Shillitoe. Whether this is one of the points on which he would not be understood as speaking positively, I cannot tell: but I think it would be well for David and the counsel to include this; for this reason, that in this, he stands unsupported by other witnesses. It is contrary to the testimony of Levi Pickering, who says, an aged Friend was engaged in supplication, while he and his column were advancing; and they were struck with awe, and stopped their movements: and that he was supplicating the throne of grace for military victory, is what I cannot credit, even from the mouth of the good David Scholfield.

Judge Tappan has said that the Concord meeting was laid down because of their disbelief in this Indiana testimony; and for no other cause, except to sustain the tyranny of the archbishop. Now, what is the fact as to Concord? How did they accept this paper? It was sent in the ordinary mode of dis-

tributing papers, by the Meeting for Sufferings of Ohio Yearly Meeting. It is a testimony of the Yearly Meeting of Indiana, and not of the archbishop, and the ministers and elders. It was sent in the usual way: not by Benjamin W. Ladd, or any of his co-committee-men. The meeting declared this paper to be a forgery, and a falsehood; and that they would not unite with it. They would not unite with it, though in accordance with the discipline of the society. I have been asked if the decree of the archbishop and his co-tyrants, is irrevocable, or revocable? The testimony was advanced, and if we look to the discipline of the society, we shall find that it was one in force during the recess of the meeting. The proceedings of the Meeting for Sufferings, are submitted to the Yearly Meeting, and if approved by them, they are the acts of the meeting. If disapproved, they are null and void.

What was the course to be pursued at Concord, when they were advised by the testimony from Indiana, sanctioned by those clothed with the authority of discipline to advise? I say, what was their proper course?—Why, to have let the testimony be entered upon their book of minutes; let them entertain all the feelings they might entertain in relation to it; and then attend the Yearly Meeting, and there obtain the order of the Yearly Meeting, annulling that advice. It would have been harmless—hurting no one on earth. Then they could have gone, according to the discipline of the society, to the Yearly Meeting, and exerted what power they had, to produce a denial. But did they take that course? No. They thought it did not accord with their views: and now they are persecuted, and crammed, and borne down by a nest of tyrants; therefore they are justified in bidding defiance to the rule of the church, and in trampling the discipline under foot; and setting up an order of things to suit themselves. I do not know where gentlemen are to go, if they will acknowledge no rule; if they are to take such a testimony as this, and pretend that it is crammed down, and then make that the foundation of their cause, for trampling authority under foot, and making a minute of disunity with the society, and henceforth holding no communion with it; and going forth with force, to depose officers, and set up their own authority, upon so slender a foundation. I say, it is not warranted by the evidence—not one scintilla of it. On the part of the Meeting for Sufferings, the testimony only expresses the belief of the society, from George Fox, down to this day. They were required, by the discipline, to receive that testimony according to its provisions. They were not to drive it out of the house, or to burn it by the common hangman; and in doing so, they did draw down the censure of the church and the community.



And has any thing further been done? They rejected this authority in their superior meeting, for exerting this power to intrude a testimony! The Quarterly Meeting thus proceeded to laying it down, and transferring its members to another meeting. This is said to be an act of tyranny, that should warrant them in doing any thing: in holding conferences at the barn, at Redstone, at Plainfield, and at the school house in Mount Pleasant.

As connected with this subject, my friend, Judge Tappan, brings up a discussion about the co-tenancy of the members of the society, in the property of the society; and supposes that the order for laying down the Monthly Meeting, and declaring its disunity with its head, is for the purpose of appropriating to the meeting, or to some of the tyrants of the meeting, the property of the society. It is not so. The gentleman has gone further, and given vent to his sneering; insinuating, that Ladd and John Street had their minds upon the property. [Mr. Tappan here signified his exemption of John Street from the charge of tyranny.] John Street is not a tyrant, but a speculator! The testimony of Elisha Bates, he says, establishes a tyranny beyond doubt; in the doctrine, that a minority can disown a majority:—three or nine, can disown fifty thousand, is the comparison of the gentleman; and that they can proceed with disownments till they get the whole property. Is this not strictly true? Is it not so in this, and every other society? I apprehend it is. What is a disownment, but a testimony of one or more individuals, of disunity in faith and society, with another individual? Nothing else. Those who remain in unison, may proceed to disown any number of those not in unison, because religious *society* is one thing, and religious dissention is another—and this is not an irrevocable decree. That is the course; the orderly and decorous course which ought to be observed. Does Bates pretend to say, that the authority of the Yearly Meeting is not competent? He has advanced no idea of the kind. But those who formed the society had power to act; and any individual may exert the power, so long as clothed with it, according to the constitution of the church. The gentleman is welcome to all the epithets that he has heaped upon Bates, and all the asperity he has cast on Benjamin W. Ladd. It does not affect their testimony, or character, abroad.

But as to the property, it is said we are co-partners, because the meeting house was erected by subscription. Now, this is not so. It may be convenient doctrine, but it is not sound. It has no foundation, except it be the sandy foundation. You subscribe to erect a presbyterian church. You are not subject to the action of that society. In whom is the property vested? I do not belong to the society. If I am a tenant in common,

and if I get in debt, an execution may be levied upon my portion of the property. This cannot be. The subscribers are not tenants in common. Take this court house. To whom does it belong: to you? no—it does not. It belongs to the county, in its aggregate capacity, and corporate power: and so, the property of the society of Friends. If that meeting house were built by subscription, it belongs to the society. No individual capacity or title, is carried along with individual members. So, the gentleman's argument cuts up itself. If he does not go on some other principle, he cannot sustain himself on this—his whole argument falls to the ground. Why, then, all this talk about property? If the separatists, or Hicksites, are the society, then the property is theirs. If the orthodox are the society, then the property is theirs. But we have never taken any step in severing ourselves from those disowned, which is depriving them of their rights; but have known, from the beginning, that the property was not involved in this inquiry.

I think, if we look to any other seceding party, we shall find no parallel instance, like the attempt to crowd the orthodox party out of the building, and to establish a church according to their own tenets and views. This, I believe, is the first instance on record, of an attempt to drive those in possession of the building and records of the church, out of possession, and to introduce heterodox doctrine. I think they deserve credit for their ingenuity in mingling things, naturally dissimilar; things which never can unite.

I repeat the question. What has the property to do with the disturbance, that liked to have taken place at Ohio Yearly Meeting? It has nothing to do with it at all. Well, that this was a predominant feeling in them, is manifest; and a proposition was made, not by John Bull, but by Jackson, just as much of a foreigner. What right had he to make a proposition? He had none. He was as much from abroad as Shillitoe, and equally as obnoxious. It is pronounced tyranny, on the part of the orthodox, that Shillitoe should have ventured, in a public meeting house, to invoke and supplicate the throne of grace. I may as well say, it was tyranny on the other side, that Jackson should propose a division of the property. Jackson is just as much a foreigner as Dawson, or Peaslee, or any of the retinue with whom Hicks passed through this country. The fee of that property is vested in the old man who sits yonder. The others possess no right to that property. The right of Taylor is indisputable. It cannot be questioned. The right of Pierce, of the good Mr. Scholfield, and Mr. James, is not paramount to the right of Mr. Taylor. They are neither of them grantees of the fee of the property. It cannot be doubted, that the grantee of that fee, who has it in trust, has a perfect right to

use and control it, so far as to regulate its application—so far as the trust goes.

How stands the case? The trustees have authorized James Heald to keep possession; that, they cannot pronounce an act of tyranny. They have called it an act of usurpation. What was he to do? Suppose a band of robbers had designed entering the house, and carrying on their depredations. Had they not a right to take measures to guard the property, to protect the fee, for the purposes and uses of the grant? No man can question it. What did Taylor and the other trustees do? They gave the authority to a person who is empowered by grantees for the purpose of the trust; and the grantees had a right so to do. And he went into possession in obedience to that trust and grant. And while there, enjoying his rights, he is interrupted by those whom the gentlemen call co-tenants of the property, having equal rights. Come, all you that have been disowned, and we will unite with you, and carry our designs into execution, until we have supplanted and put down those whom we denominate tyrants and usurpers.

I have attacked, in succession, the different outposts put forth by the gentlemen, and have advanced near to their line. I now come to their case. But what is their case? It embraces several distinct propositions. They bring up a thing, altogether unknown in criminal prosecutions—an offset. The main thing on which they rely is, that Street, and Ladd, and Bates, and Taylor violated the laws. What if they did? Does that prove that David Hilles and James are to escape? If Ladd, and Taylor, and Bates, and Street are obnoxious to the criminal laws, prosecute, and punish them, from the rising of the sun, until the going down of the same. It operates as no excuse. Many are as obnoxious to the punishment of the law as a few. No criminal, since the creation of the world, ever invoked the guilt of others, in order to sustain the assumption of his innocence. It is a course unknown in criminal proceedings.

Take the propositions of the defence in the order in which they have been advanced. It is asserted by Mr. Hubbard, and sustained by Mr. Tappan, that the appointment of David Hilles was according to the discipline and order of the society; regular and decorous. Now, we must shut our eyes to all perceptions of reason and common sense, if we can believe it, taking it in its broad, abstract position. Ask the witnesses. You are told on one side, that it was in order. Why? Was it provided for in the Discipline? No. Was it according to the Discipline? No. But necessity drove us to it, and that made it in order. The necessity of the case impelled them forward to take such a course; and that is to establish and sustain the proceeding. To justify it, three or four cases, said to be analogous, have been selected, as occurring during

the two hundred years that this society has been in existence. I want no stronger argument to satisfy me, that it was disorderly and unknown to the society; than is found in the fact, that with all their industry, but four or five instances have been found and brought forward, as precedents to sustain this. And some of these are instances brought from Monthly and Quarterly Meetings, to sustain the appointment of Hilles; notwithstanding they have no analogy to the appointments in this meeting, being entirely different and provided for by the Discipline. "A committee should be annually appointed, in each of our Quarterly and Monthly Meetings, to nominate clerks."—*Discipline, page 32.*

Let it be remarked, that this does not embrace any thing in connexion with the clerk of the Yearly Meeting. Committees are appointed in the Monthly and Quarterly Meetings, to nominate clerks, having in view a change of those officers. Let us look to the 98th page of the Discipline, and see under what provision it is, by which the representatives choose. In the subordinate meetings, the Discipline recognises the power of the meeting to choose clerks, having for its object the exercise of different individuals. But in the Yearly Meeting, the representatives are enjoined to choose a clerk. [See 98th page of the Discipline; or page 228, of this work.] The time for the choice; the period for which the party chosen shall serve, are alike designated. It embraces both males and females. And here, let me remark, that Friends are much more gallant than other societies, in leaving to the females the choice of their own officers and clerks. But the injunction of the Discipline, not only devolves the power on the representatives, but fixes the period when they shall exercise that power, and the term for which the officer shall hold his authority. In the inferior meetings, the duty devolves on the meetings; in the Yearly Meeting, on the representatives. In them, the nominations by committees, must be confirmed by the meetings. The committees have no power and authority to choose.—I am met with this objection; that the Yearly Meeting have treated the power of the representatives as a *nominating* power; and have acted on their nominations. If there be any doubt or ambiguity, as to the meaning of the Discipline, let us resort to the Yearly Meeting to solve the doubt; but if the meaning be clear, we ask only the application of the legal rule, and that the construction should be put on this by the law of the land—not by the erroneous entries which may have been made by clerks; and I ask it, in no way foreign to the ordinary usage of courts of justice, and the well established usages of the law. If we advert to these minutes, it will be found, that the representatives have been requested to do—what? A duty that devolves on them. Is that saying

that the power is inherent in the meeting? No such thing. The representatives have been desired to do or to propose, what is aside from the Discipline, and not to the point. Well, what then is the determination of the power that has been vested in them? Do the minutes show that this grant has been repealed or annulled? They have used the term "*propose*," and not *appoint*. There was nobody astute enough to correct the error, when a name has been reported to the meeting, and the meeting has united in the appointments. It has been said, on the other side, that the representatives have no power to appoint. The meeting united in the persons that the representatives proposed. The meetings have united in such appointments the world over; but does that show that the representatives have not the power? It is just one of those errors that would be perfectly natural for a meeting, or the body of society, to slide into. The appointments in Quarterly and Monthly Meetings, are, by the Discipline itself, devolved on the meeting. The Discipline advises these meetings to call in the intervention of committees, but devolves not the duty on any body else; because the meetings assemble more frequently. And the practice of these meetings is carried into the Yearly Meeting; and not looking with the astute eye of a lawyer, they go and make a request, and use the word "*propose*," instead of *appoint*. And this thing is relied on, in opposition to the doctrine of the book of Discipline, which is published.

I may be called on to answer another objection—Whether there is not inherent in the Yearly Meeting of Ohio, power to appoint a clerk. It is an indisputable proposition. A power, without which, no society could exist. I am willing to take the case of the speaker of the Ohio house of representatives. The speaker comes to the chair, so drunk that he cannot perform the duties of his office. I am asked, whether there is not power in that assembly, which made its own rules, to appoint another speaker? I say there is. And when they bring me a parallel case, occurring in the Yearly Meeting of Ohio, I will not dispute the power. Was Jonathan Taylor drunk, or incapacitated from performing the duties of clerk to that meeting? Let any man answer this query, and answer it in the affirmative, if he can.

What are the reasons given for removing Taylor? It was rumoured abroad, that he, in New York, had gone to a meeting in a medical hall, with those separating from the society of Friends. And what of this? And this charge comes from a party, too, claiming that they are persecuted by a band of tyrants. A man distant five or six hundred miles from home, cannot go with a part of the meeting, to an assembly, without being considered, as being on a par with a man in such a

state of inebriety, as to have none of his senses about him. Here is a true spirit of intolerance, a true spirit of persecution. And here are found those seeds of tyranny which they seek, with such assiduity, to fix upon the aged Friend who sits here in my eye. Well, this offence, mighty as it was, when discoloured by the jaundiced optics of those who urge it, is so trivial, that you would not whip a dog for such a thing, much less proceed to displace, in a solemn assembly of religious people, the officer of that assembly, and that, too, without having communicated to him the nature of the charge, frivolous as it was.

What else? Taylor, on Sunday, the day before this meeting for discipline, when a man within the meeting, or place of worship, was preaching doctrines at war with the faith of the society, and subversive of its foundation, got up and asked him to sit down: and said, we do not own you, as united with our church. This is the whole of it; strip it of the colouring which has been thrown over it; strip it of the vituperative epithets with which the counsel have clothed it. Now this is a party thing. Look at those who complain of this tyranny; look at the language of that party, and see what it was at the school house on Saturday. Hear Mr. Magar, who could not recollect any thing. He had attended the conference on Saturday. Was there any thing agreed on there? No. Was there any proposition submitted? No. What was the understanding? All were to go to the Yearly Meeting as usual. Was there no conversation about the appointment of a clerk? We did not agree to any thing. Was there no conversation about a clerk? There was no agreement there. Was there no talk about a clerk? The meeting came to no resolution. Was there nothing said about David Hilles as clerk? We agreed we would go to the Yearly Meeting as usual. Was nothing determined on about Hilles? All agreed to go to the meeting as usual. Was there no agreement come to, about a clerk? We did not agree to any thing. The meeting agreed to go to meeting as usual.

Why did they have such an agreement? Why leave their homes, and come to Mount Pleasant? Why was there a necessity to go to a conference, and covenant to go to meeting as usual?

Now let us look at the testimony of Israel Updegraff, who testified with apparent fairness. Did the meeting at the school house come to any agreement? No. I made a proposition myself that they should go to meeting, with a determination to exert force, to maintain their rights in the society. But the meeting would not come to any agreement. He did not make the proposition in meeting, but took a chance to hint it to his friends, and the conference is screened from liability,



because he just suggested it privately, that is, hinted it all around the house, and the meeting did not unite in it. Why not unite in it? Because of the fear of the weight and influence it would have, in case they should commit any violence, and become obnoxious to the law. That is the answer. It is vain to believe they did not know what they were about; that they did not come to an understanding. Mr. Updegraff was displeased that they did not.

Look at what passed, and see whether they did not understand one another, as to what they were to do, and whether there was not, as stated in the testimony, a conversation about the appointment of a clerk. Why? Because Jonathan Taylor had gone off to the medical hall, in New York. Thus he had disqualified himself. It certainly was not asserted in Saturday's conference, that his interrupting Hicks and Peaslee was the cause: for that had not happened. These are the only two reasons, ridiculous and contemptible as they are: and these are the only reasons advanced, why Taylor, an aged and amiable servant of the society, should be routed from his seat, and disgraced and published to the world, as a man guilty of a dereliction of duty. And these reasons come from a party complaining of tyranny and persecution.

Well, extraordinary as it may be, and it is truly extraordinary, after all the conferences on this subject, at the barn, at the meeting house, at Redstone, after sending delegates to Plainfield, and afterwards holding another conference at the school house, where no agreement was come to, or understanding entered into, except to go to the meeting as usual; this party approached the temple for their worship. Now let us look at them a little there. Did they not act in concert? And did it not originate in the different conferences, where no agreement is said to have been come to? It seems to me, no man can doubt for a moment, that these conferences were the foundation of that concerted action, manifested in all their measures. "If we were opposed in going into the meeting, we were then to form and organize a meeting outside; therefore," said Updegraff, "I prepared myself with paper for the clerk." Whether he expected to be clerk himself, and was disappointed in not being appointed to office, I need not inquire. But he was prepared with paper for the clerk. They went to the meeting house, and were not opposed. And my friend here, who has as much ingenuity as any other man I ever saw, and about as much ability, laboured with as much ability as I ever knew him to labour with, to show that this party were excluded. Why? Because he felt impressed with the opinion, that if they could not say they were kept out, the case would not warrant the violence of their entering. Well, in order to sustain this part of his case, he has, with all his

ingenuity and power, laboured to excite our prejudices, on account of some ladies being kept out by violence, exposed to weather and mud; a species of indecorum and indecency (I believe I employ his language) worthy of the archbishop and his graceless band of tyrants. I now ask, what the archbishop and his tyrants had to do with it? Have they been able to trace the garrisoning of the house to Bates and Ladd? The result of every inquiry is, that no instruction was given to exclude the Hicksites from their assembly. Such is the evidence. Why, then, introduce this proposition? Why, Jonathan Pierce got out of temper, because his wife was not permitted to enter at the door. Pierce, carrying with him the controlling sense of decorum, left the meeting house, and went round to the women's apartment, and, very decorously, shoved away four or five ladies, who were standing on the door-sill, commanding them to let his wife in.

This is decorum and decency; regard for order; not from the archbishop, but from the sovereign will and pleasure of Jonathan Pierce. Well, I wish you to remember, that Pierce went into the meeting for a short time, then left it, and went out. He could not sit there, waiting on the great Head of the church, till meeting should open; but like a restless spirit, walking to and fro, he went out, not to seek whom he might devour, but who might aid him in shoving into the meeting house; and this, we are told, is evidence, that fixes itself home upon a nest of tyrants; and is to justify taking possession of the meeting by force. Now, if Pierce had not gone forward conformably to an agreement, which was no agreement in the conference, he would have sat down, and entered into solemn communion with himself: [“And let his wife stay out in the rain,” said Mr. Tappan:] he would have communed with himself: he would not have been throwing his eyes round, to see whether Halliday Jackson and others were in the house. And the very fact, that he looked round, and then went out, shows that he did not go with the spirit that usually actuates those that go to these assemblies. What was done in the case of Mrs. Pierce? How long had she been standing out door when he found her there? Pierce went and found her, and said to those who had charge of the door, “I know this woman has a right to enter.” They made way, and she did enter. They made way on his assertion that she had a right to enter. I do not know whether she had a right to enter or not. We are not looking to the discipline in relation to the female department: I venture this assertion, that no exertion was made to keep her out, till Pierce was unusually moved to go round to the door of the female apartment, to see whether any of his commanding authority was necessary. Well, now, if you look at Pierce's testimony, you will find what was the cause of his action, from

the time he came from Columbiana. He came from home filled with anger: resolved, peaceably, if he could, forcibly, if he must, to carry his points, and those of the Hicksites, against the orthodox.

Well, let us look a little further. When Thomas Shillitoe, an aged Friend, was engaged in supplicating the throne of grace, what says Levi Pickering? He advanced to the front door, and was restrained by the solemnity of the occasion, and exerted himself to keep back the crowd. And the moment the last word was out of the mouth of Shillitoe, that moment, in attending the Yearly Meeting as usual, they formed into a military wedge, and rushed into the house, and forced the guards some twenty or thirty feet within the walls of the house. Was that attending, as usual, with a design to be peaceable, and only proceed to resist tyranny, as they should be instructed? When this column was at the door, there were Dawson and Peaslee, the travelling companions, attending the Yearly Meeting as usual; some were refusing to pass in, unless others could pass along with them. Even Pickering was struck with awe, and could not go in alone, because that would not be attending the Yearly Meeting in the usual way. He could take his friend by the arm, and Peaslee could invoke them, in the name of God, not to do so; and then the whole could be crowded in. That was attending the meeting as usual. When they were in, another exhortation could be made, in the love of the God of peace, not to crowd so, till the requisite number were there; and then love was to give way. The recurrence of this column of men, like the recurrence of succeeding waves, crowded in the mass of people, those who had a right, and those who had no right to be there, till the house was filled to overflowing. Then, I suppose, the Yearly Meeting, having been assembled, as usual, it was determined what should take place, in a meeting assembled as usual.

Well, what do we find? We find Israel French, an aged and respectable member of the society, I admit. We find him getting up in the meeting without lapse of time, without solemn communion, without waiting upon the great Head of the Church, without waiting for the clerk to open the meeting, and saying—what? An unpleasant duty has devolved on me, to say, that I think the clerk, or clerks, at the table, have disqualified themselves for serving this meeting acceptably. This is the proposition of Israel French, with whom Elias Hicks, Amos Peaslee, and others, lodged. He is aged and respectable, I admit. Israel French is the companion of the revolutionizers, and one who had attended the several conferences. So soon as the house had been filled with blacks, who could “hurra for Jackson;” disowned members, and others who had never been members; it devolved on him to act as if the

meeting were select, and in a capacity to transact business according to discipline; although the discipline specially enjoins, that the meeting should be kept select; and even Judge Tappan admits, that it should be kept select, though not by an organized garrison put in possession, not by guards, but by persons stationed to whisper to those who are going into the house. Is it possible to suppose that Israel French, aged and respectable as he is, could be so ignorant as to be unacquainted with this regulation of the Discipline? I propound to you, and to every man; if Israel French had, himself, felt that he was proceeding in the usual method, would he not have looked to see whether that meeting had been made select, before he propounded any thing concerning that meeting? I think the answer is inevitable: that no man would have made any proposition to the meeting, connected with the discipline, without first seeing that none were present but those who had a right to be there.

Israel French, having no regard to discipline, rose in the assembly, as no man ever before rose; and made a proposition, the like of which never before had an existence in any assembly: a proposition to disgrace a regular officer, made out of time, and in an unusual manner. I do not say that it sprung from Elias Hicks, or in the family of French, with Elias Hicks, Amos Peaslee, and others. But I have known greater violence done, to inference from facts, than to say that it did spring from Elias Hicks. What follows? It is not a clangour of trumpets, but a clangour of voices. Did you ever know such a quick succession of unity in any meeting before? No. Was there time given for the dissenting party to make objection to the proposition? No. The society of Friends, that had become famous for their moderate, orderly, decent uniting in propositions, became as clamorous as a political caucus. And this, we are told, is the usual order of the society. And the party who went there, without design, without concert, as usual, were not satisfied with uniting in the common way, but must repeat it in the same voice: "I unite; I unite;" in order to give it the appearance of a vast number uniting. Well, what was the result? There were 1500 assembled: and there were perhaps two hundred voices, taking all those that came from the same mouth, that united in the proposition. By this very small minority of the assembly, it was thought best to submit another proposition; that Hilles should be appointed clerk. It did not devolve on him, to tell the house, of which Taylor was one of the grantees, sitting in all humility, waiting upon the great Head of the church till order should be found in the house, that he might proceed to open the meeting.

But we are told that he started, and went to reading in an unusual way. Is it according to the natural interpretation of

the acts of men, to put an unfavourable construction on his conduct? I say that the Discipline enjoins him to wait, and commune with himself, before he proceeds to business. Finding that this waiting and communing could not obtain peace and quiet, what was Taylor to do? Take his books and papers and go out of the house? Surrendering to those that had come in, in waves—members disowned; those not members; blacks and whites? What was he to do? If he regarded his duty, he was to proceed in the best manner that he could, and discharge the duties which devolved on him. Did he do more? He got up, as we see, before the nomination of Hilles was made, and read an opening minute. And I beg you to remark, that the opening minute embraced, as connected with it, the names of the representatives, from the Quarters making the Yearly Meeting, which he was previously to receive and enter upon the minutes, to save time. This opening minute, as the usage of the society will show, contains the names of the representatives. They must have been handed to him, or he could not have had them in his minutes; and he was proceeding in the discharge of his duty, when this clamour of voices from all manner of persons, and a repetition from the same voices, proposed deposing him and appointing David Hilles.

I say this is unusual—the motion is out of order: and I say it with perfect recollection of what has been before said, as to proceeding to the appointment of a clerk. The necessity did not occur. The cause did not exist, because the ordinary course of things was there, and within their reach. The clerk was there. True, he had been to a meeting, in the medical hall, in New York. True, he had called down from his place, a man who was denying the divinity of Christ, the day before. He is there, orderly, discreet, meek, lowly, and ready to perform any duty, or to take upon himself any trial, any suffering, which the exigency of the case might require.

But he was in combination with those tyrants: he sat at the clerk's table with some of those gentlemen that claimed exclusive right. Why, he went there, only according to the usual manner. Well now, turn the tables; suppose my friend Fox, or James, or the good David Scholfield, or Tolerton and Magar, had gone, and taken their seats there, would that have been a reason for the Hicksites to have gone there and driven them from their places? Was any man in the gallery, who had not a right to be there? No.

But the assemblage was unusual; they had taken the seats farthest removed from the door, so that when Israel Updegraff entered, there was but one vacant seat; and Israel, in all humility, and in the usual manner, took that seat to himself: he who tells you that he went there to use force—he went there determined to place himself in a conspicuous station, where

he could observe what was going on, and take his part as one of the leaders. Israel, with this avowed feeling, this sense of injury rankling in his bosom, took with him the requisite quantity of paper, and went and found a seat vacant, and took possession of it, for what purpose, we shall see, by and by. That very act of Updegraff shows that it is usual: it is the usual mode of assembling, for every person to crowd nearest the speaker. Near the door there is never a crowd. And are we usurpers; coming here in an unusual manner? No, sir. I venture to say, that in no meeting, where seats are not appropriated to individuals and families, do you find any difference in the mode of proceeding. These persons went and filled the seats farthest from the door, from a sense of decorum, that they might not interpose a barrier to others; and they filled the seats in order, commencing in the remotest parts of the house from the entrance.

The steps were also filled by the orthodox party. I cannot give the emphasis of the other counsel. Was that unusual? We have it from aged Friends, that there is no Yearly Meeting, where they are not filled in that way. And by whom were they now filled? By the aged and feeble. Such persons take those seats, because nearest the place where the business is to be transacted, that they may hear and enjoy their rights, in common with the rest of the meeting, interposing objections, or adding assent to propositions before the meeting. That is the whole of it. No attempt was made to hinder any man; no exertion of power to intercept, or interrupt any man. And it is in vain for the counsel to press to the consideration of the court, a proposition that rests, as this does, on no foundation whatever.

I will not advert to the uproar that took place in the house. It is, indeed, lamentable, that such an uproar should have taken place in that house, or in any other place of worship. It was no credit to those who made the uproar, I care not who they were, Hicksites or orthodox; members of the society or not. The uproar was discreditable to the assembly, and to the age in which we live. And yet we are told that it is according to the usages and ancient customs of the society. The case must indeed be extraordinary, and foreign from the usages of the society of Friends, that can rest its hope upon the position, that this assembly and uproar was according to the usage of the forbearing and long-suffering society of Friends.

While the clerk was so reading, there arose the clamour of voices uniting in the appointment of David Hilles. If the meeting had conceived that, according to the usual custom and practice of the meeting, this measure was in order, and had been united in by the assembly, they would have asked,



in the spirit of meekness, and tolerance, and moderation, that have marked the course of the society, that Taylor, who had the papers and records as clerk, should give place to him who was appointed to supersede him. I ask you, if that would be in accordance with the usage of the society of Friends? Look through the whole mass of testimony, and find where such a request was ever made. There is no evidence of such a thing: And is not the absence of it an item of proof, that those who were the actors were impressed with a belief that they could not repel—that they were not acting in the order of the society, but with the violence of a mob? Not in the order of a religious assembly? It seems to me that these are the inevitable conclusions.

They would have made this request of Taylor, if they were orderly, proceeding in the usual custom of the society; if they were convinced that they had settled it according to custom, and that they were the society of Friends, acting in unison with its discipline and belief. It was not forgotten, as is manifest from the whole evidence of the proceedings, and from the discipline obligatory upon all those found within the limits of the Yearly Meeting. No such request was made. No Friend, aged like French, or turbulent and eager like *Irish*—no, not the good David Scholfield could ask for the papers and documents belonging to the society. This conduct could have resulted from nothing on earth, but the conscious conviction that makes cowards of men: that it was unrighteous and wrong; that they had no right to do it; no right to the place, whence they sought to drive the incumbent.

This seemed to be the impression of the meeting, till Israel Updegraff, moderate and cunning as he is, with a clump of paper in his hand, rushed from one end to the other of the gallery, over the limbs of the ministers and elders, up to the clerk's table. Israel Updegraff was not violent, but meek; yet could make this move to get there—for what purpose, I ask? According to the usage of the society, to take possession of the table and documents? When he got there, he asked no such thing. For what purpose? Was he expecting to be the clerk? No—he was not even expecting that, if he may be credited. He might have thought, that if David Hilles had not nerve enough to get up, or to submit to the nerve of others, that he would be in the vicinity of the table, with paper, so as to go into action. He may have thought of this. I do not say it. It may be suspected of one, who advanced rudely and indecorously, as he did. He was there, where he found Isaac James, who had no more right in that meeting than I have. Were they requesting of the clerks to surrender? No; but James was clambering with all the violence of a tiger, over the heads of ancient Friends, who were occupying the galle-

ries. There is where he is found. And the counsel tell us this was orderly and decorous; no disturbance: and they ask you to go further, and say that Ladd is a tyrant, because he was occupying a seat in the gallery, and raised his hands against the breast of James, who was trampling his brethren under foot, to restrain him in his rude, savage, and beastly advance. This they ask you to do.

What next? Why, David Hilles, who had attended the conferences, where they did not agree to do any thing, is in the room, remote from the clerk's place. Dr. Carroll goes to him, and calls on him to take his place. He says, I can't get there. Follow me, and we will carry you there. Some organization resulted from an agreement at the caucus. The military wedge was again formed, and when Dr. Carroll had got his clerk, David Hilles, at the head of this column, it is said, "rush on, go ahead, or burst your boiler;" and this is said to be an orderly procedure. There never was a grosser libel than this very allegation. Well, they advanced to what my friend Judge Tappan is pleased to call the orthodox, impregnable fortress, partly by force and violence, and partly by an alarm that the galleries were falling. They were repulsed. James had before advanced, and maintained his position upon the platform of the cradel. They advance in column with the new clerk, and Israel Updegraff was standing ready to supply the clerk with paper. The invulnerable forces, as they have been called, endeavoured to protect themselves from being trampled upon. Tread on a worm, and it will turn; or tread on a Friend, and he will resist the pressure upon him, and endeavour to throw it off; though it is enjoined by the discipline of the society to use no violence. Well, what were these Friends to do? Were they to fall prostrate, and make a bridge of bodies for this advancing column? This would hardly be requested. They could not mix with the crowd now, because it was a vast military wedge, advancing with irresistible impetuosity. Then what could they do? Nothing but use their four limbs to protect themselves from the advance of the hostile party, and the destruction that seemed to await them. And yet they are rioters; disturbers of the peace, and tyrants. And what is the party so repulsed; and repulsed by a party who had no power of action to repel? David Hilles showed no unwillingness to be carried forward to the seat of power. We are told that he was passive; that he did not desire the power about to be conferred on him; that he had no ambition, but they led him forward—no lust of power. Cæsar put by the crown that was first offered him; again he put it by, a little less forcibly; an acclamation of the multitude, endeavouring to stimulate him forward to accept the bauble, gave spirit to Cæsar. The imperial purple and

the diadem, dazzled his vision, and the third time he yielded his most reluctant assent. Passive, no doubt; entertaining not the slightest particle of ambition, never having indulged in the lust of power, or the insignia of it, that were tendered. So, too, with David Hilles; passive, never lusting for power, never agreeing to be an instrument of interruption to the meeting; but, borne along, not by the shouts of the multitude, but by the application of the physical force of the multitude. No thirst of power: but meek and humble. There were found in his hands the papers to enable him to exercise the functions of clerk. But when the column was resisted, at the stove, an unusual place, where no man ever attempted to perform the duties of such an office—when he got there, he was so eager, that he could stop—so eager to perform the duties of his station, that he could take a scrap of paper from a pocket book, and seek to write an opening minute; as if this act would sanction his authority and power, and every improper act.

Sir, this gives an interpretation which cannot be mistaken. There was a lust of power and ambition; and there was the cunning of a Jesuit, to seek to avoid the appearance of it. It speaks a language which cannot be misunderstood. If he had the people on his side, why not wait till he got to the clerk's place? He feared that the power might be wrested from him. No other interpretation can be given. What did he do next? He read an opening minute, eager to establish the right which he had to that power. The column was reformed; a young man was found climbing over the heads of the aged Friends, who clung to their fastnesses, but were driven by irresistible force to yield; yet not till the clerk had been driven from the table, where he ordinarily wrote. David Hilles got there, altogether passive; and sought, with remarkable avidity, for the drawer of the table which had been broken into ruins, and turns it up to write another opening minute; feeling conscious that the act at the stove would not be tolerated by a religious society; he does it over again; he seizes the only vestige of the clerk's table, eager in proclaiming to the astonished multitude, that coming in, in an unusual manner, and being elected clerk in an unusual manner, in an unusual manner he would discharge his duty.

Well, what follows? This speculator, and matchless, impudent tyrant, Ladd, says, we will contend no more. Let the Yearly Meeting adjourn. Did David Hilles say, I am clerk of the Yearly Meeting? did any man say aught against Ladd's proposition? Not a syllable is heard. All was quiet. Conscience spake to David Hilles, a language which he could not restrain or misinterpret, at that moment—I will be silent, and let this orderly society of Friends adjourn; and when they are gone, we will proceed with our meeting, and proclaim to the

world, that we are the society of Friends; and that we have been disturbed; and we will rely on this act of forbearance, to bear us out in this assumption. The representatives were called. The Yearly Meeting, that was assembled there, and had possession of the records, and was in unison with the faith and practice of Friends, was adjourned, and no opposition was made.

Well, who went off? Ask Levi Pickering who went off—and he is not a witness on our side. He replies, the majority; a considerable majority went away. Now, take this fact, and make another inquiry. Were the Yearly Meeting united, in weight of character or numbers, to appoint David Hilles? There can be but one answer. No man has said that there was an approval by the orthodox, except by one, who was picked up in the crowd, uniting in the proceeding, uniting in the appointment of David Hilles. No others were considered as uniting in the acts of opposing Taylor and elevating Hilles. I then put the inquiry: was that the sense of the Yearly Meeting of Ohio? The whole face of the transaction, and every thing connected with it, shows conclusively, what is not only apparent to our senses, but to their senses, that it was not the voice of the meeting. I know there have been some efforts made to show, that there was nearly an equal number; but look at the testimony of Dr. Hamilton. What was the usual conversation of the village? It was, that three-fourths of the women Friends, and a large majority of the men Friends, went off with the orthodox. This was a matter of common notoriety; and it accords with the testimony of Pickering himself, who, I believe, designs to tell nothing but the truth; and who has told you, that a majority went off with the orthodox. Is it not, then, worse than idle, to pretend that this was the act of the Yearly Meeting? I think it is a wilful perversion of that, which appears as manifest as the light of the sun at noon-day. There was a majority that had assembled there, and was permitted to go off.

I will show one fact, to prove, that the party remaining, did not consider themselves the Yearly Meeting of Ohio: and that they are not in fact, and in law, the Yearly Meeting. You will find it stated, even in the testimony of one in the retinue of Elias Hicks, that that party reorganized the Yearly Meeting. What is the reorganized Yearly Meeting of Ohio? It must have been disorganized, and broken up, before it could be reorganized. Yet the Yearly Meeting had orderly and decorously adjourned, and gone out of the house. They were impressed with this consideration; and thus the witnesses testify, that they reorganized, not to do the business of the Yearly Meeting, but of the reorganized meeting. Therefore it is, that the representatives of the separating party, refuse

to give their reports to the clerk. This separating party, who had set up oppositions in the Quarterly and Monthly Meetings, remained there, and gave their reports to the newly appointed clerk. Does not this speak volumes, that cannot be misunderstood? Halliday Jackson was there, as a representative of the reorganized meeting of Philadelphia, and conspired with those who sought to reorganize the Yearly Meeting of Ohio. Here, finding kindred spirits, he seeks not to commune with the others; he does not attend the official conferences and meetings, according to order, but attends the caucusses and cabals, held at the meeting house, and is with those who surround the house, when the Yearly Meeting is assembling. I care not, therefore, whether Barnard speaks of reorganized meetings, such as the one in Philadelphia—it is the same thing—for this party claim to be in unison and correspondence with the reorganized meeting in Philadelphia, and not with the old Yearly Meeting of Pennsylvania. They acknowledge, and boast of it, that they are in correspondence with Baltimore Yearly Meeting, where the majority are Hicksites, and where they have the control. But this does not alter the case; it is, as I said before, an attempt to set up a reorganized society of Friends, not united in principle with the established society, but professing the principles of deism, while the society of Friends profess the principles of Christianity. Well, let them have the benefit of it.

But, I have one other item, to which I will call the attention of your honour. The discipline makes it the duty of the Yearly Meeting to keep records of its proceedings, and we have exhibited the records from the first meeting, down to this period, for the inspection of the court. Is there any thing on record, showing the appointment of Hilles, as clerk? No. Is there any other record of the fact? The legal course is, to presume, that if exhibited, it would afford evidence against the party. We then ask, why is this important item of evidence withholden? I know a case might exist, where papers and records of a society might be carried off, and the society be divested of possession, so that it would not be in its power to exhibit them in court. But, I know, where records are kept in possession, they might be exhibited—so they might be here. If these records had been exhibited here, ten to one, it would have appeared, from the examination, that no entry was made of the appointment of David Hilles, as clerk, to supersede Taylor. Well, if there is a record, affording evidence of this fact, they have withholden it, or neglected to exhibit it. I ask, is it not a legal conclusion, that, exhibiting on one side, and withholden on the other side—those who have them and show them, are in fact the society of Friends? I think it is; I may err, but such is my belief.

It is said, on the part of the defence, that no individual act can be charged upon these defendants. That this is a case of an ordinary difference of opinion, where the parties were proceeding to establish their superiority upon a proposition before the meeting. Now, is this so? It is said that men proceeding ever so disorderly, and having a right in these meetings, cannot be considered as chargeable by the statute of Ohio for disturbing that meeting. Is it so? I put this question. Suppose a man comes into a religious assembly, and proposes that an individual in it shall be hung by the neck till he is dead, and excites those about him, by his clamour, to unite in that proposition, and proceeds to carry his design into execution, under the pretence that it was the decision of the meeting. Would that be a disturbance of the meeting? He, that in such case pretends that the meeting had cognizance of the subject, and were proceeding decorously, and that the individual deprived of enjoying life, ought to be executed publicly, is to be justified. The doctrine of the gentleman goes to say, that he should not be considered a disorderly person; though violence may extend to the shedding of blood, taking the life of a fellow creature, or any other species of violence. And if you have the matchless impudence to come into court, and say, that it was within the scope of your power, as a constituent member of the meeting, you are not amenable to the laws. I do not believe it.

But there was no individual act as to James. Surely there can be no question that he advanced, individually, and clambered over the heads of Friends. David Hilles was the willing instrument; not repelling those, who pressed upon what they call his passive disposition and pliable nature. He is then guilty, as a participator in the act of those concerned in the outrage and disturbance of that assembly. I believe I am right, and that this is sustained by the common principles of law. Look at Hilles. Did he individually act, when Dr. Carroll went to him? He proceeded along with Carroll, to place himself in a position to be shoved. He put himself in possession of paper, to proceed. And when did he effect his object? On the destruction of the table, that was there, ordinarily written on. When Taylor, one of the most venerable members of the society, was thrust from his place, and trampled upon with violence, hardly leaving him breath in his body; and it was nothing but an audible tone of voice, about committing murder, which induced them to stop. David Hilles was at the head, and was a leader of the mob, passively pushed on by the exertion and physical force of those who attended the meeting, with the intention to do no unreasonable act.—It was through God's mercy, that this aged, pious and respectable individual was spared. It is an evidence, and a strong



evidence, that there was a superintending Providence there, that arrested this brutal force, and prevented the accomplishment of such an act. And it must be considered the mercy of God, that instead of being now charged with a disturbance, the defendants are not charged with the murder of one of their fellow creatures!

Here, I think, taking this view of the subject in relation to these individuals, enough attaches to them; and so, if you please, to every other one who united with them in the formation of this mob, and in moving them to the accomplishment of it. Still, this does not affect the question of their guilt; they are to stand convicted or acquitted on their own guilt, no matter how many may have been concerned with them, and equally guilty. I say, if they are not guilty, let them be acquitted. Let them not be punished for the guilt of others, but for their own guilt and acts. And for those acts of others, they are entitled to claim individual distinction, when a decision concerning them shall take place.

It is said that by the constitution and laws of Ohio, a religious assembly, assembled for the purpose of worship or business, is no more under the protection of the law than a political or other assembly of persons. I apprehend this is not true. All persons, legally and lawfully assembled, even the caucusses of the Hicksite party—all persons have a right to assemble themselves together, and to consult on their own or the common good, and the law protects them in it. Yet not to the same degree as it would protect a religious assembly. It is the general and natural right, which attaches to all persons in a state of community with each other, that protects those not of a religious character. But how is it in this state? The legislature thought it of sufficient consequence, under a provision of the constitution securing this protection to all, to make this a subject of special legislation. And this prosecution is under an act thus made.

It has been said by one gentleman, that no man can be put on his trial, except by the intervention of a grand jury. Why not? For, surely the law provides specially for this court. And is it to be said that this is unconstitutional? Has it not obligatory force? The law having obligatory force, provides a special protecting shield over religious assemblies. It cannot be disputed. They have a right to protection when assembled: and while assembling, individuals have their rights secured to them.

Now, I ask you, sir, were these people that assembled in the society of Friends a religious assembly? I ask you, whether, being a religious assembly, assembled or assembling, they were within the protective scope of the shield of the law, to which I have adverted? I think there can be no hesitation

in answering each of these propositions in the affirmative. Were they disturbed? Why, it would outrage every reasonable consideration, to say that they were not disturbed.

They were a religious assembly, and were disturbed—by whom? Did not James disturb them? Did not Hilles disturb them? If any man can say that these two persons did not disturb them, then surely the law does not apply to them. But if the response is, that they did disturb that meeting, and with a design to interrupt its harmony, they then are culpable. And they are to be rendered obnoxious to the provisions of this law, whether held out to the world as a persecuted party, or not. I ask nothing but the application of the law to them; I think them guilty, and I think no man, looking at this case, and taking it with all the allowances that can be made, for those who were engaged—giving all the indulgence that the law authorizes to be given to the influence of the uncontrollable passions of man, can come to any other conclusion, than, that these men did disturb the meeting, and that they went there with an intention to disturb it, and to take control by violence, if necessary. If so, I think the decision that shall follow this investigation, and apply to these men, is one exceedingly important to this community. I think it one that will settle, and perhaps for centuries, the proposition, that looks to the orderly and quiet assemblage of religious meetings, and the transaction of their business under the protection of the law.

The gentlemen tell us, that it is enjoined on the members of this society, not to go to law, and that we have been trampling on the discipline of the society. Has this argument been maintained? Are these people to be thrown off, as outcasts, and trampled under foot, their lives jeopardized and sacrificed, rather than appeal to the laws of the land for protection? Let him who holds a doctrine of that kind, advance it. Neither you nor I will maintain it. What were they to do? Were they to rise and use violence for violence, and repel aggression by force? No, sir, the spirit that actuates their assemblies—the spirit breathed into their early associations, of meekness, love, forbearance, long-suffering and endurance, answers this proposition; that they were not to meet violence with violence; reviling with reviling, force with force. And it is commendable that, instead of using these, their physical powers, to repel aggression, they sought to put themselves under the shield of the law—to appeal to the laws of the land: and rest, as they do rest, with a perfect consciousness of their own right, and a perfect conviction that they will have extended to them, the law, under which this complaint has been laid; if in your judgment they shall have made out a case which entitles them to that protection.

DECISION OF THE HONOURABLE JEREMIAH H. HALLOCK, Esq.  
*State of Ohio vs. David Hilles and Isaac James.*

This complaint is founded upon the third section of the statute for the "*Prevention of Immoral Practices*," which enacts "that if any person or persons shall, at any time, interrupt or molest any religious society, or any member thereof, or any persons when meeting, or met together, for the purpose of worship, or performing any duties enjoined on or appertaining to them as members of such society, the person or persons so offending may be arrested," &c. &c.

The defendants have pleaded not guilty.

In order to a proper understanding of this case, it is necessary to notice the circumstances that led to the transaction, which is complained of as a disturbance of the Yearly Meeting of the society of Friends. It appears that the society of Friends had become divided into two parties, in consequence of difference of opinion as to some doctrinal points. The one party (from *Elias Hicks*, who has been considered a leader) have been called "*Hicksites*." The other have been generally distinguished by the name of "*Orthodox*." These names I use, for the purpose of distinction, merely, and to avoid circumlocution. Each party claim, that they hold to the ancient doctrines of the society, and that their opponents have departed therefrom.

The orthodox, in several of the Monthly Meetings, where they had the control, have proceeded to deal with some of their members for maintaining doctrines contrary to the discipline of the society, as was claimed. Some had been disowned. One Monthly Meeting had been laid down, without its consent, by the Quarterly Meeting to which it belonged. These proceedings, on the part of the orthodox, were claimed to be oppressive, and contrary to the discipline of the society. Great excitement prevailed. The disowned members had refused to submit to their sentences, but had not appealed from them, as they had a right to do, by the discipline of the society. Separate Quarterly Meetings were established, in four, out of the five Quarterly Meetings of which the Yearly Meeting is composed. The same was done in many of the Monthly Meetings. Each society claimed to be the true society of Friends.

In this state of the society, both parties looked forward with anxiety to the Yearly Meeting, expecting that there would be, at that meeting, a trial of strength.

The *orthodox* seem to have apprehended that *force* would be used, to procure admittance for those who were under dealing, or had been disowned. They accordingly increased the number of guards stationed at the doors, to prevent the admittance

of persons having, by the discipline of the society, no right to be present, to wit, members under dealing, or disowned persons.

The other party resolved, that all should attend, as usual, without regard to having been disowned, or being under dealing. They claimed that the proceedings of the *orthodox*, in dealing with, and disowning members, had been unjust and irregular—not according to the discipline of the society. It does not appear, that any general resolution to use *force* had been adopted, but, on the contrary, the leading members discouraged the idea.

The parties assembled on the day of meeting. The guards, who attempted to keep out the members under dealing, were *forced*, and the disowned members entered the house, which was filled to overflowing, twelve or fifteen hundred persons being present.

As soon as the meeting had become somewhat composed, and while Jonathan Taylor, the clerk of the Yearly Meeting, was preparing to open the meeting in the usual form, *Israel French*, a member of the "*Hicksite*" party, stated, that a painful duty devolved upon him—that of objecting to the clerks at the table. That such had been the conduct of the clerks since the last Yearly Meeting, that they had become disqualified to serve the meeting acceptably, *or even to open it*, and proposed that new clerks should be appointed. No specific charge was made. About one hundred persons, or more, expressed their assent, by saying "I concur," in rapid succession, sometimes several speaking at once. Immediately, or very shortly after this expression of concurrence had ceased, *William B. Irish*, another member of the "*Hicksite*" party, proposed *David Hilles*, as clerk. This was concurred in, in the same way. About this time, either just before Irish's motion, or while members were expressing their concurrence, Taylor rose in his place, at the table, and read an opening minute, and he, or the assistant clerk, proceeded to call the representatives from the Quarterly Meetings, who all answered except *five*—two of whom sent excuses—the number answering exceeding fifty. *Hilles* was called upon repeatedly, by individuals, to take his place at the clerk's table, in order to act as clerk of the meeting.

The clerk's table is placed in the middle of the raised seat, appropriated to ministers and strangers, at one side of the house. The seats appropriated to the elders, are situated in front of the ministers' seat, and next to it, and are raised above the seats in the body of the house. These seats were occupied by the ministers, elders and strangers, as usual, nearly all of whom were of the "*orthodox*" party. Other members of that party, had stationed themselves in those seats, and in the passage

that led to the clerk's table, so that *Hilles* could not get to the table, without forcing his way through them, unless they would give place.

*Hilles* was disposed not to attempt this, but wrote an opening minute at the stove, near the centre of the ile, in the body of the meeting house. His friends, however, insisted that he should occupy the clerk's table, and offered to make way for him. A column was soon formed, who proceeded to *force* their way to the table—the “orthodox” party opposing. The contest was doubtful for some time.—While the parties were warmly engaged, a cry was raised, that the gallery over the ministers' seat was falling. This cry, although unfounded, created great alarm—a rush to the doors and windows took place, and a great many got out of the house. This alarm suspended hostilities for a moment, but as soon as it was generally perceived to be without cause, the contest was renewed. The passage to the clerk's table, which for a moment had been left, in a measure, unobstructed, was filled up again by the “orthodox” party. The “Hicksites,” however, advanced to the table. Here a contest took place for the possession of it. *Taylor* was pressed between the table and door, and considerably injured. The table was soon broken to pieces. The tumult then died away. One of the leading “orthodox” cried out, “that is enough—we surrender.” Shortly after this, one of the “orthodox” party proposed, that they should adjourn until the next day. This was agreed to; and to render it more formal, they called the representatives, who nearly all answered, and agreed to the adjournment. The “orthodox” accordingly left the house. The party leaving the house, being more numerous than those who remained. The “Hicksites,” remaining in possession, proceeded with their business. The next day, the “orthodox” came forward, in a body, and demanded possession of the house, which was refused; but they were told that they might come in, and unite with the “Hicksites,” who were in possession.

The “orthodox” adjourned to another place, and held their Yearly Meeting.

The question on these facts, is, was this proceeding on the part of the friends of *Hilles*, a disturbance of the meeting, coming within the statute? It is to be observed, that not all the “orthodox,” or “Hicksites,” took part in this violence. Probably much the greater part of both parties, were inactive spectators.

In considering this question, it is necessary to inquire, was this election of *Hilles*, regular, and binding upon the meeting? Or did *Taylor* continue the regular clerk of the meeting? The objections to this appointment of *Hilles* are several. The proposition of *French*, that the clerk had become disqualified,

was not founded on any fact disclosed to the meeting. It proposed to condemn him, without giving him any information as to the offence of which he was accused, and of course unheard—without giving him any opportunity of making a defence. This was contrary to the first principles of justice.

The reasons for the motion, assigned by French in his testimony in this case, do not show any actual disqualification of Taylor, or Kimberly, the assistant clerk. The true reason seems to be, that the old clerks belonged to the “orthodox” party.

The proposition to elect a clerk was not in order, being before the meeting was open, and ready to proceed to business—and unprecedented, at any rate, in any body whose proceedings would have the authority of precedent for that meeting. The witnesses called in this case, on the part of the prosecution, have uniformly pronounced this motion irregular, and out of order. The witnesses on the other side, have as uniformly pronounced it regular, and in order. I must be permitted to judge for myself, as to that point, from the facts. I think I may safely venture to say, that in no deliberative assembly in the United States, would a motion be in order, until the assembly was opened and organized, unless that motion were necessary for its organization; unless we except the society of Friends, their mode of proceeding being somewhat peculiar.

This motion was not in order, according to the established mode of proceeding in the Yearly Meetings of that society.

By their mode of proceeding, the Yearly Meeting for discipline, is not opened, until the clerk reads an opening minute, and it is not organized until the representatives from the Quarterly Meetings are called—the Yearly Meeting being constituted, in part, of those representatives.

In case there be no clerk of the meeting present, a motion to appoint a clerk is in order, that being necessary for the organization of the meeting. In this case there was a clerk at the table, qualified and ready to do his duties. The motion of French, then, to pronounce sentence of disqualification upon the old clerks, and to appoint others, was not in order, admitting that the meeting, when duly organized, had a right to do so, of their own will and pleasure.

Further:—admitting that this irregularity might be got over, and the proceedings of the meeting would have been regular enough, in case no objection had been made—it is a fatal objection, that this proposition was not in fact concurred in by the meeting, a majority being dissentients. It is true, that the witnesses on the part of the defendants, state, in general terms, that there was a general concurrence of the meeting in the proposition, and some say, even more general than is usual in that meeting. And here, I must be permitted to judge for



myself, whether the concurrence was such as to make it the act of the meeting.

The witnesses, who express their opinion, that the motion was concurred in, go upon the supposition, that, although not more than one-tenth of the members of the meeting expressed their concurrence, and that in an extraordinary manner, the remainder of the members are bound by it, as they kept silence—that silence on such an occasion gives consent.

It is true, that, in the ordinary course of business, when a portion of the members, although very small, express their concurrence, and none oppose, it is considered the sense of the meeting; and if this motion had been made after the meeting was duly organized, and had proceeded to business in the usual way, and had been concurred in by even twenty members, and none opposed, the motion would have been carried, and the clerk would have been bound to enter it on his minutes, and read it to the meeting. And then, if still unobjected to, it would have been the act of the meeting.

But, in this case, the motion was so out of order, and the whole proceeding so irregular, that the opponents of the motion were not concluded, by their silence. They did not understand, at the time, that by their silence, they were concurring in the measure. French, himself, in his testimony, says, that he did not understand that the “orthodox” united in the measure. It could not have been the understanding of any one present.

If I be correct, thus far, it follows, that the proceedings, by a part of the meeting, to expel Taylor, and put Hilles in his place, were not warranted; and that the use of force, was a disturbance of the meeting; and, therefore, a violation of the law of the land; for the law abhors violence, and will not permit any one to use it, even to assert his rights, except in extreme cases, which are cases of necessity. All those, who gave their countenance to it, or encouraged it by any means, are equally guilty. I do not mean to be understood, that all the “Hicksite” party were guilty; for it appears, but a small portion of them approved the use of force.

With respect to these two defendants, it is proved that James took an active part—Hilles, by permitting himself to be made use of, countenanced the transaction, and is equally guilty.

The view I have taken of the case, renders it entirely unnecessary, that I *should* examine into the other questions which have been made in the argument, or to take notice of a great deal of the testimony which has been given. JUDGMENT, *that each of the defendants pay a fine of five dollars.*

*The following extract should have been inserted in page 97 of this work.*

This indenture, made the 5th day of Ninth-month, 1817, witnesseth that Henry Beeson and Mary his wife "do grant, bargain, and sell, unto Jonathan Taylor, Rowse Taylor, Isaac Parker, James Kinsey and Horton Howard, or the survivors of them, the following described property:" [here follows the description] "to have and to hold, the said described lot of ground to the said Jonathan Taylor, &c., and the survivors of them, and the heirs at law of such one of them as shall survive all the rest, for the uses and purposes following, viz: For the use of the Society of Friends constituting the Ohio Yearly Meeting, as a site for Friends' meeting house, or for such other purpose, as the said meeting shall at any time direct; and it is the express understanding, and the intent of this grant, that the said Jonathan Taylor, &c., or the survivors of them, or the heir at law of such of them as shall survive all the rest, shall hold the said described property, subject to any disposition which the said meeting shall make of the same; and the said grantees above named, or the survivors of them, or the heir of such of them as shall survive all the rest, shall at any time, when requested by said meeting, make all, and every necessary and proper deed, or other assurance, for transferring the title to the said described property, to such persons, and upon such terms and conditions, as the said meeting shall, in a regular manner, according to the rule of proceedings in said meeting, direct."

"In testimony whereof the said Henry Beeson, and Mary his wife, have hereunto set their hands and seals, the day and year above written."

HENRY BEESON, [L. s.]  
MARY BEESON, [L. s.]

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## NOTE.

THE preceding work is presented to the public, as a full and faithful report of the proceedings, in the case of David Hilles and Isaac James, before the honourable Jeremiah H. Hallock, Esq., at Steubenville, from the 15th to the 26th of October, inclusive, 1828. It will be found to contain, as far as practicable, the language employed by witnesses, counsel, and court, together with all the authorities quoted, and such other matters as are necessary to a proper understanding of the subject.

The peculiarly interesting circumstances attending the origin and progress of the suit, and the numerous and highly respectable individuals, directly or indirectly, implicated in the question at issue, suggested as the only proper course, a publication of the entire proceedings without note or comment.

The distance of several hundred miles, has entirely precluded the co-operation, or aid, of any individuals who attended that trial, other than extended by the politeness of the Judge, in furnishing his decision, and of counsel, in furnishing at the close of the trial, a reference to authorities. For these, and the kind attention of the court and counsel, during the continuance of the trial, we tender our respectful acknowledgments.

MARCUS T. C. GOULD.











Trial of Friends.1829

Received: The book was bound in  $\frac{1}{4}$  blue/grey paper with beige paper sides. The endpapers were plain. Part of the spine was missing, the front and back boards were detached.

Treatment: The book was rebound after having reinforced the text with stab/joint endpapers. Adhesive used at the spine was Flex 720.

O.P.-C.

1984

