for a new clerk, was prevented and defeated, by the conduct of those who sought to retain the services of the former officer.

One of the peculiar and distinguishing characteristics of this people, consists in their mode of transacting business and arriving at conclusions; in which, rejecting totally the principle that a majority, as such, is to rule, or decide, or govern, they arrive at an unity of resolution and action, in a mode peculiar to themselves, and entirely different from that common to all civil or political, and to most ecclesiastical bodies. They look and wait for an union of mind; and the result is produced, not by a vote or count of numbers, but by an yielding up of opinions, a deference for the judgment of each other, and an acquiescence or submission to the measure proposed. Where a division of sentiment occurs, the matter is postponed for farther consideration, or withdrawn or dismissed entirely; or, after sometimes a temperate discussion, and sometimes a silent deliberation, those who support, or those who oppose a measure, acquiesce in the sense of the meeting as collected and minutely by the clerk; and they believe the "spirit of truth," when the meeting is "rightly gathered," will be transfused through their minds, and they will be guided and influenced "by a wisdom and judgment better than their own," and that their clerk will be led to act under "the overshadowing of that power, which is not at his command, and which will enable him to make proper decisions." One of the witnesses examined on the part of Decow informs us, the clerk, "collects, not by an actual count of numbers, or recording the yeas and nays, yet by an estimate of the prevailing sense, which the meeting, after discussion, usually settles with sufficient distinctness, one way or the other." (Charles Stokes, 2 vol. Evid. 249.) The account given by Clarkson, in his Portraiture of Quakerism, is represented to be correct, although never expressly recognized by the society. "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 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." (1 Clarkson's Portrait. Quak. 157.) The world at large,
and especially those who have not closely observed the practical operation of these principles, in the peace and harmony and prosperity of the internal affairs of this religious community, may be strongly inclined to call in question their expediency. A republican spirit may see no just rule, but in the voice of a majority. A jealousy of power may suspect too much confidence in the fairness and candor of the clerk. But the conclusive answer to all such suggestions and suspicions is, that they are free to act as their judgments and consciences may dictate. We are not to interfere with their church government any more than with their modes of faith and worship. We are to respect their institutions, and to sustain them. Nor can any individual be hereby aggrieved. He is under no restraint to remain among them. Whenever he is persuaded that either their faith or their practice, does not accord with his own views of reason and Scripture, he is at liberty to leave them, and to seek elsewhere, more purity, more spirituality, more Christian and Scripture order, more safety, more republicanism, or more peace. The constitution of this society, neither recognizes nor makes provision for a vote, or a decision on the principle of numbers, in any instance or predicament. The minutes and journals of the various meetings, not merely within the bounds of this yearly meeting, but within the pale of the whole society, do not furnish, so far as we are able to learn, a single record of a vote taken, or a count of numbers. The instances of reports made by the major part of committees, form no exception to the universality of this rule of action. Nor do the few, I say few emphatically, compared with the myriads of decisions standing on their records, nor do the few minutes, which industry has gleaned up, of expressions like these: "the greatest part of Friends think it best," or "it appears to be the most general sense," serve to shew that a vote was taken, or that numbers, as such, prevailed, or that the minor part did not freely relinquish their views, and cordially acquiesce in those of the greater part. Let us, for example, look to the minutes of Chesterfield monthly meeting, of sixth month, 1691, because it is, of Chesterfield, and of very ancient date. "The building of the meeting houses being taken into consideration, a meeting house on this side is generally agreed upon to be built, and the greatest part of Friends think it best to have it at the grave yard." Here
is no allusion to a vote, nor any thing to indicate that all did not acquiesce in what the greatest part thought best. Barclay, in his treatise on church government, gives the following explanation, and most pointedly condemns the rule of the greatest number. "The only proper judge of controversies in the church, is the spirit of God; and the power of deciding lies solely in it, as having the only unerring, infallible and certain judgment belonging to it; which infallibility is not necessarily annexed to any persons, person or place, whatever, by virtue of any office, place or station any one may have, or have had, in the body of Christ; that is to say, that any have ground to reason thus, because I am, or have been, such an eminent member, therefore my judgment is infallible, or because we are the greatest number." (Barclay on Church Government, 78.) Hence then, I think, we are not called to inquire how far the allegation as to the relative numbers of the representatives is correct, and we may justly dismiss from farther consideration, the objection that the old clerk would not have received a majority of votes. The very proposal to take a vote, was an overture to depart, and the consummation of it would have been a departure, from an ancient and unvarying practice, which had not only grown up to an overshadowing tree, but had its root in religious faith, and was nourished and sustained by religious feeling.

The enquiry too, is of little importance, since, as I have shewn, the omission of the representatives to agree in, and propose a nomination, only resulted in a continuance of the former officers, and did neither abridge, impair or destroy, the power of the meeting to provide for collecting and recording their acts and proceedings.

Let us, then, return to the yearly meeting. Here again it is said, a majority was opposed to the farther service of the former clerk, and his continuance contrary to their will, was not only an oppression of the few over the many, but was in fact a dissolution of the body. I am not able to say, from the evidence, if in any wise material, that even at the outset, this continuance was inconsistent with the wishes of the greater part of the meeting. But if such were the truth, it is abundantly shewn, there was an acquiescence in the measure, even if an unwilling one. And this acquiescence was brought about by the agency and recommen-
dation of some of those, who are now the members of the rival yearly meeting. The following facts are stated by the witnesses. "A proposition came from a leading member," (Joseph Whitall, 1 vol. Evid. 218.) After the minute was read, "one of their number expressed his belief it was the best thing the meeting could do under all the circumstances, and advised them to submit to it." (Thomas Evans, 1 vol. Evid. 266.) "One, and perhaps, there were others, stated as their belief, it would be right, and encouraged his friends to accede to the proposition" for the continuance of the former clerks. (Joseph Whitall, 1 vol. Evid. 217.) "Efforts were made by persons, who have since" united with the Green street meeting, "to induce an acquiescence with the minute. At length, all opposition ceased." (Samuel Bettle, 1 vol. Evid. 69.) Here, then, might have been opposition and dissatisfaction at the outset. But it is clear there was an ultimate acquiescence. And it is too much for any one, especially for those who took an active and influential part in bringing about this result, perhaps we may say, actually induced the peaceful result, to make it the subject of complaint, or to insist that the existence of the body was thereby destroyed.

There is another fact worthy of much consideration, in looking into the propriety of these proceedings, which is, that no person, save Samuel Bettle, the former clerk, was proposed for the office. The importance of this circumstance in civil affairs, is thus shown in the recent American treatise on the law of corporations. "Where a majority protest against the election of a proposed candidate, and do not propose any other candidate, the minority may elect the candidate proposed." Angel and Ames on Corp. 67.

After all these events, I can have no hesitation in yielding to the entire and unqualified conviction, that the body remained in its pristine vigor, and proceeded to business as the Philadelphia yearly meeting of the society of Friends.

The other act, whereby it is said, the discipline was violated, the society separated, and the constitutional existence of the yearly meeting destroyed, is the appointment of a committee to visit the subordinate meetings.

It would be very difficult, I think, to demonstrate, that an act of this nature, if not warranted by the discipline, or even if in-
consistent with it, could work such sweeping results. The purpose and authority of this committee, were simply to visit, counsel and advise the inferior meetings, with no power, whatever, to act upon or control the rights or interests of any one, save by measures of persuasion. How far the temper or motive, which led to the appointment of this committee may have been reprehensible, I shall examine under another head. It is to the act alone, that my attention is now directed; and the act itself, was, in its nature, harmless. Let us, however, look more closely into the circumstances. They are thus represented by one of the witnesses. “A proposition was brought from the women’s meeting .... to appoint a committee to visit the quarterly and monthly meetings. This called forth a great deal of excitement, .... and great opposition was made to it. Even some few of the ‘Orthodox’ party themselves did not, at first, appear to approve of it. But there were others of that party that strenuously urged the propriety of such a committee being appointed, and as they seemed to understand one another pretty well, apparently, they pretty soon united in urging the measure. It was, however, strongly opposed by much the larger part of the meeting, I cannot undertake to state the proportions, but I should think myself safe, in saying two thirds of those that spoke. But it seemed all of no avail, .... and having a clerk at the table subject entirely to the dictates of his party, he made a minute and took down the names of the committee that were offered to him. No Friend, I believe, undertook to mention a name.” (Halliday Jackson, 2 vol. Evid. 56.) Another witness gives the following representation. “At the last sitting on seventh day morning, a proposition was introduced from the women’s meeting to appoint a committee to visit the respective subordinate meetings for their strength and encouragement. To this there was a decided objection made; some Friends then in the meeting and now attached to each of the parties, opposed it. The doubt of some was, that it had better not be decided at that time; with others, there was a decided opposition to the measure. At this juncture, a Friend stated to the meeting the out door proceedings, the private meetings, and opened the whole subject. It appeared to me evidently, to create uneasiness and alarm on the part of those who had been concerned in those meetings; some of them called in question the accu-
racy of the statement that had been made, and seemed disposed to deny it; some did deny it; others, however, said that the general statement was correct, and acknowledged it. The propriety of appointing a committee under such circumstances, appeared so very obvious, that the opposition, in a great measure, ceased for that time; after which there was a greater and more general expression of unity with the measure, than" the witness, a clerk of several year's experience, "had often, if ever, seen or heard." "I had," says the witness, "been watching the course of events, as clerk of the meeting, to know how to act, and when all opposition had ceased, and it was very apparent it was the sense of the meeting that the appointment should be made, I rose and stated that I had had my doubts, when this proposition was first brought in, whether it was expedient to adopt it at that time, but as the servant of the meeting, it being manifestly its sense, I should now proceed to make the minute, and accordingly made it, and united with them in their views; and a committee was appointed pursuant to the minute." (Samuel Bettle, 1 vol. Evid. 69.) Whatever difference may be in these statements as to matters of opinion; whatever suspicions may have been enkindled; whatever motives or designs may be imputed, here is no substantial discrepancy as to points of fact.

Was then, the appointment of such a committee, a novel, and therefore, an alarming occurrence? More than one witness testifies, and no one denies, that it was an ancient custom of the society. (Samuel Bettle, 1 vol. Evid. 70. Halliday Jackson, 2 vol. Evid. 133.) Had the meeting power to make such appointment? Aside of the multitude of unquestioned precedents, a witness says, "during the discussion of the proposition, there was no suggestion of a doubt of the right and power of the yearly meeting to appoint such committee; the difference of opinion was confined to the expediency of making the appointment at that time." (Samuel Bettle, 1 vol. Evid. 70.) Was the purpose of the appointment laudable? It was to advise and counsel the inferior meetings, in the language of one of the witnesses, "for their strength and encouragement." And if the design was to prevent schism and separation, the end was, surely, commendable; and if the measures taken to attain it, were otherwise, the censure should rest on the committee, the agents, and not on the meeting, the con-
stittuents. Was partiality exercised by the clerk, or any other person, in the selection of the committee? No name which was proposed was rejected. Was there opposition to the appointment? Strong and decided at the outset. Was there at length, an acquiescence? "A greater and more general expression of unity than usual," says one witness. "The opposition pretty generally, if not altogether ceasing," says another witness, "the meeting proceeded to appoint." (Joseph Whitall, 1 vol. Evid. 218.) Another says, "As all opposition ceased, a minute was made, and the committee appointed." (Thomas Evans, 1 vol. Evid. 268.) These matters of fact, are, I believe, uncontradicted. One of the witnesses, indeed, intimates that the clerk made the minute, being subject entirely to the dictates of his own party. But the clerk, himself, whose veracity and candor are not only above reproach, but beyond suspicion, and who surely best knew his own motive of action, says, that though doubting at first the expediency of the measure, he made the minute, as the servant of the meeting, and because it was manifestly their sense that the appointment should take place.

Upon a careful examination of this measure, I can see nothing, either in the act itself, or in the manner of its inception, progress or adoption, subversive, in the slightest degree, of usage or discipline, and least of all, any thing of such vital influence as to break asunder the bonds of union, disfranchise the meeting, deprive it of constitutional existence, disrobe it of ability farther to execute its ancient and appropriate functions, or to release from their allegiance all those who previously owed fealty and submission to it.

These, then, are all the overt acts of the meeting, which have been made the subject of complaint. It would, however, be a great error to suppose that a session of five or six days was spent in these matters, alone. Much other important business was transacted; all, I believe, it may be said, of the usual stated duties were discharged. Halliday Jackson, gives the following brief but satisfactory account of what was done. "The business of the yearly meeting was proceeded in; and the usual subjects that occupy that body, such as considering the state of the society from the answers to the queries that are brought up from the different quarterly meetings in their reports; the reading of the
minutes of the meeting for sufferings; reading reports from the committee who stood charged with Westtown school, and some other matters; which occupied the meeting through the week." (2 vol. Evid. 55.) Another witness says, "All the business usually transacted at a yearly meeting, was gone through with, and several acts consummated, which no other body than the yearly meeting of Philadelphia was competent to perform." (Thomas Evans, 1 vol. Evid. 267.)

Having thus reviewed what was done, we are now to turn our attention to what was not done by the meeting; for the latter as well as the former, has been urged as an act of separation and disfranchisement of the yearly meeting.

Certain subjects, regularly brought before that body, were not acted upon, but postponed. "When the reports," says one of the witnesses, "were taken, or the subjects contained in the reports, from the different quarterly meetings, which were considered as new matter; such as the account from the southern quarter respecting the meeting for sufferings, rejecting their representatives, and an application, I think, from Bucks' quarter, respecting the manner of choosing representatives to constitute the meeting for sufferings, together with ... two cases that came up from Philadelphia quarter .... They were all put by, and not acted upon, except the matter in relation to Leonard Snowdon's case, which, if I remember right, was returned to the quarterly meeting. It seemed to be pretty generally understood, that the meeting was not in a qualified state, owing to the interruptions to the harmony that had taken place, to enter upon the investigation, or more properly, the consideration of these subjects." (Halliday Jackson, 2 vol. Evid. 55.) It should be observed in general, that these subjects were not the regular stated business of the meeting, but occasional or special. In this remark, I do not mean to deny or detract from their importance, or the propriety of their having, at a suitable season, the most careful attention, but simply to show their real nature and character; and that to act on or omit them could not touch any vital part of the constitution of this body. A much more important consideration, is that the disposition of these subjects, the course which was adopted and pursued in respect to them, was the united act, and according to the common wish, of all parties, of even those by whom, or through whose instrumentali-
ty, they were brought before the meeting. This important fact is denied by no witness, and is expressly declared by more than one. The statement of one I have just now given. Farther being asked, if the subject from the southern quarter was not dismissed at the suggestion of Robert Moore, a member from that quarter, he answered, "When that subject was brought before the yearly meeting, it was drawing towards the close of the week, and by that time it was evident the yearly meeting was not in a qualified state to act upon any important subject; and therefore, that subject, as well as two others, were dismissed without being much urged by Friends. I have not a clear recollection, but it seems to me, that Robert Moore did say something about that subject from the southern quarter." Being asked if the subjects from Bucks and Abington were not dismissed at the instance of John Comly, he answered, "I have no recollection of who spoke first on the subject; John Comly was sensible of the state the yearly meeting was in; and I can state what I have frequently heard John Comly say, that Samuel Bettle first suggested to him the propriety of having those subjects dismissed, all those subjects that came up in the reports, and wished John Comly to use his influence with his friends to have those subjects from Bucks and Abington dismissed, and he, Samuel Bettle, would use his influence with his friends to have that subject passed over that was coming up from Philadelphia quarter; which subjects it was apprehended, would produce a great deal of excitement in the yearly meeting, and which Samuel Bettle feared the consequences of; but how far that influenced John Comly in favor of putting off those subjects, I cannot say." (Halliday Jackson, 2 vol. Evid. 132.)

Another witness, Abraham Lower, being asked whether the propositions from Bucks and the southern quarter, were not disposed of, at the instance of members from those quarters respectively, and who, since the separation, have joined that portion of the society with which he was in unity, answered, "I have no recollection of the members of those quarters making such a proposition, but I should think it quite probable." (Abraham Lower, 1 vol. Evid. 392.) And the same witness, in another place, testified, "as that yearly meeting was acknowledged, not qualified to enter upon the matters brought up from the quarters, that case with others was concluded not to be attended to." (Abraham Lower, 1 vol.
Evid. 373.) Samuel Bettle says he mentioned to John Comly, "Had you not better withdraw the propositions for a change.... coming from Bucks, Abington, and the southern quarter? He said he thought so too, united with me fully in that view, and said they had better be withdrawn, as it was not likely they would ever be adopted, and would only occasion confusion and difficulty. The propositions, when again brought before the meeting, were withdrawn by common consent." (Samuel Bettle, 1 vol. Evid. 69.)

Thomas Evans testifies thus, "Those subjects were are all connected with, or had grown out of the controversy, respecting the doctrines of Elias Hicks, and as there was a general understanding that his friends were about to separate and form a society of their own, those subjects were at their suggestion, or by their consent referred to the meetings from which they had come, or suspended." (Thomas Evans, 1 vol. Evid. 276.) "In the disposition of these subjects, there was a united conclusion of the meeting, after as full an expression of opinion as is usual; and those that took part in this business, some of them now belong to the new meeting, and others remained with the old society, and participated with the deliberations of the meeting which led to those conclusions." (Samuel Bettle, 1 vol. Evid. 87.)

Thus, then it appears, these omissions took place, certainly with the consent, and probably, at the request or upon the suggestion of the very persons who now complain. Under such circumstances, this measure, by no means unusual, for Abraham Lower testified that he has known cases brought to the yearly meeting and laid over for the consideration of the next, does not afford ground for censure, much less for annihilation, and least of all on the objection of those who, if they did not actually bring it about, were consenting thereto.

But, it is said, the meeting was not in a qualified state to enter upon the consideration of these subjects. What then? Was this unqualified state peculiar to one portion, or common to all? Was the meeting thereby dissolved? If wonted harmony ceased to prevail, if the minds of the members had become so sensitive on particular points that the introduction of them would produce agitation and excitement, unfavorable to cool, deliberate and dispassionate investigation and decision, it was the part of prudence, of christian forbearance, of enlightened reason, of patience and meek-
ness, and of that spirit of peace and submission which, may I not say without offence to others, so eminently characterises this religious denomination, to wait in humble expectation of the overshadowing of that Power who can say, as well to the stormy passions of the human breast as to the torrent and the whirlwind, "Peace, be still." But if such a state of things be a dissolution, no human society can be held together, and attempts at order and government, instead of the means of curbing, and restraining, and controlling the wayward passions of man, do but afford him the opportunity of giving them extended and unbridled influence and action.

Besides these considerations, which are, I trust, sufficient, conclusively to sustain the meeting in its constitutional existence, there are some others, founded on the acts and conduct of the members, and of the component parts of the society at large or the subordinate meetings, which incontrovertibly evince the acknowledged existence of the meeting, and its direct recognition as such, not only during its session, but after it had closed its services for the year.

John Comly, and I feel at liberty to refer to him, though an individual, from his eminent standing and distinguished character, both private and public, as a man and as a minister, as well as from the prominent part he bore in the transactions which attended the separation in this society. John Comly acted throughout the meeting, from the commencement to the close, as its organ, as an officer of the yearly meeting of Philadelphia. He did, indeed, request to be excused from serving in that capacity. But the fact remains that he did serve, and the reasons he gave for being inclined to withdraw, strengthen the inferences to be deduced from the fact. Few men are, I believe, more distinguished for purity, candor, and every other virtue. Did he say, I cannot serve this meeting, because I am not lawfully and rightly appointed an assistant, and to act as such, would be, in me, usurpation and oppression? Did he say, he had been recorded as assistant "in opposition to the voice of the larger part of the meeting?" Did he say, "the hedge was broken down;" the meeting was disorganized, a revolution had occurred, there was no longer a yearly meeting, but the society was dissolved into its original elements? Halliday Jackson testifies thus: "The next morning, I believe, John Comly did not take
his seat at the table, at the opening of the meeting, as usual.” In this particular, perhaps not a very important one, the witness afterwards corrected himself, and said he believed Comly took his seat at the table by the side of the clerk, when he first came into the meeting, (2 vol. Evid. 132) “but soon after, he got up, and made a very forcible appeal to the yearly meeting. I think he regretted the state and dilemma into which the yearly meeting appeared to be brought; that there were two parties, evidently two parties, that appeared to be irreconcilable to each other, and therefore not qualified to proceed in the weighty concerns of a yearly meeting under those trying circumstances, and proposed that the yearly meeting might adjourn, and Friends endeavor to get cool and quiet in their minds, and that possibly they might be favored to come together again at some other time, and be more in the harmony …… And although John Comly expressed his uneasiness at acting as assistant clerk, at the request of some of his friends, and some of the other party, also, he submitted again to go to the table.” (H. Jackson, 2 vol. Evid. 54.) Other witnesses state the transaction, not differently, though somewhat more fully. “On third day morning, immediately after the opening minute was read, John Comly rose and stated, that he had mentioned at the previous sitting, that he should go to the table in condescension to the views of his friends, and that it was in that feeling that he was now there; that the meeting was divided into two distinct and separate parties, and that under present circumstances those parties were irreconcilable; that each of these parties was striving for the mastery; and that if either of them gained the ascendency, it must be to the grievance and oppression of the other. He therefore proposed that the meeting should suspend all farther business, and adjourn; but if the meeting was resolved to proceed in its business, at all hazards, he could not conscientiously act as the organ of a meeting made up of such conflicting parties, and must therefore request to be permitted to retire. His proposal … was but feebly supported. … His party strongly objected to his leaving the table, urged his continuance, and that the meeting should now proceed with its business. John Comly then rose and stated, that as he found the meeting was not prepared to adjourn, he was willing, after the usual expression of approbation, to determine the sense of the
meeting on his remaining at the table, so to continue, and to proceed with the business.” (Thomas Evans, 1 vol. Evid. 266.) “He took his seat, prepared to act, and the business did progress, he acting as usual, without making any farther objection on his part.” (Samuel Bettle, 1 vol. Evid. 69.)

Having seen the conduct of this very active and very useful member, as he is called by one of the witnesses, (Abraham Lower, 1 vol. Evid. 392.) let us briefly advert to that of the other members of the meeting, who now belong to the meeting in Green street.

Their urgency that John Comly should act as assistant clerk, and that the business of the meeting should proceed, has just been mentioned. “The yearly meeting of 1827, was entirely conducted as it had been on previous occasions.” (Samuel Bettle, 1 vol. Evid. 94.) “During that meeting, persons who have since joined the other meeting, were appointed on committees, and took an active part in the concerns of the meeting throughout.” Ibid. In the afternoon of the first day’s meeting, some of the friends of John Comly “expressed, that they thought the business of the meeting had better go forward.” (Thomas Evans, 1 vol. Evid. 266.) “During all the remaining sittings of the yearly meeting, he [John Comly] and his friends continued their attendance, took part in its deliberations, assented or dissented from its conclusions, as opinion led them, and addressed it as the yearly meeting of Philadelphia.” (Thomas Evans, 1 vol. Evid. 267.) “During the last hour of the sitting, all the proceedings were read over, as is usual, at the close of the yearly meeting; no objections were made by any one, to any part of the minutes; the concluding minute was also read, adjourning the meeting until the next year, at the usual time and place, if the Lord permit.” This conclusion is the form common on such occasions. “After this minute was read, a considerable pause ensued; there was no objection made to it, and Friends separated from each other in the usual manner.” (Samuel Bettle, 1 vol. Evid. 70. Thomas Evans, 1 vol. Evid. 268.) “Those who have since joined the Green street meeting, “were generally present at the time of the adjournment. The yearly meeting was as large and numerous at the last sitting, as at any sitting during the week.” (Joseph Whitall, 1 vol. Evid. 218.)
One of the transactions of this meeting deserves, in the present connection, particular notice. "There was one matter before the meeting which was of a humane and benevolent character, that Friends, perhaps of both parties, were pretty much united in." (Halliday Jackson, 2 vol. Evid. 56.) "That was to raise three thousand dollars to aid our brethren in North Carolina, in removing out of that state, many hundred colored people, eight or nine hundred of them at least, who were under the care of the Carolina yearly meeting, and whose liberties were in jeopardy, unless they removed out of the state. This sum it was proposed should be raised by the different quarterly meetings, in the usual proportions. This was entirely united with; not a single dissentient voice; a great many expressing their views, and a minute was made, directing the quarterly meetings to raise the money and pay it to Elias Yarnall, the treasurer of the yearly meeting. The quarterly meetings that compose the yearly meeting, all assembled, and in conformity with the direction contained in the extract from the yearly meeting, raised their quotas of the three thousand dollars, and paid it to Elias Yarnall, the treasurer." (Samuel Bettle, 1 vol. Evid. 70.) Chesterfield preparative meeting, bore its wonted part. This transaction is of an unequivocal character. The resolve was an act, not of private or individual benevolence, but of the meeting in its collective capacity. The recommendation, by the extract, was such as that meeting alone could perform. All, we are told, united in it. Not a dissentient voice. It was received by the several quarterly meetings as an act of the yearly meeting, and carried into effect as such, and the monies were transmitted to the treasurer; thereby making, after the close of the yearly meeting, a direct recognition of its existence and authority. The effect of these circumstances cannot be weakened by the "humane and benevolent character" of this work of charity. It was indeed proof of a noble and munificent spirit. But suppose the general assembly of the presbyterian church, or the protestant episcopal convention, had sent missives or extracts to the quarterly meetings enjoining the donation, and to make their treasurers the channels of conveyance, would the call have been obeyed?

I do not pause to answer, but proceed to the consideration of another of the heads into which this case has been divided, the
designs, plans, views, feelings and acts of individual members of
the society, and under this head I shall notice, so far as I think it
necessary, the conduct of subordinate meetings, and of what has
been called the dominant party.

And here I make some general remarks, which indeed in my
judgment, furnish an answer, a decisive answer, to many of the
conclusions which have been drawn or suggested from the facts
which, on these points of the case, appear in evidence.

First. Our concern is with the yearly meeting in its collective
capacity. Our purpose is to ascertain whether that body holds
or has ceased to hold, a legal existence; whether the body which
met on Arch street, and continued and closed its session there, in
April, 1827, was the constitutional yearly meeting of the society?
Whether the yearly meeting then assembled, performed its func-
tions and adjourned? or whether that assemblage, at its opening,
in its progress, or at its conclusion, ceased to be the ancient and
legitimate yearly meeting? Whether the venerable edifice re-
mained, or its place exhibited only a deplorable pile of ruins?

Second. As such, then are our concern and purpose, we have
little to do with the causes of division and separation about which
so much has been said and written in the course of this cause,
or with the division and separation, except so far as they may
operate on the legal existence of the assemblies of this society.
A separation has, indeed taken place. Those who formerly of-
fered their sacrifices on a common altar, now no longer worship
or commune together. Many who once went up to the ancient
temple have left it, and go up to another mount. They had the
right to do so. Our civil and religious liberty, whereof we have
such just reason for congratulation and gratitude, left them free
from all restraint, save conscience and the divine law. We are
not here to approve or condemn them, nor to enquire into their
motives, nor to estimate their strength, or their purity, or their
consistency with the light of truth whereby all profess to be guided.
I wish to judge no "man's servant. To his own master he
standeth or falleth." I hope to be able to continue and close this
investigation, without any enquiry into religious faith or opinions.
Not that I doubt the power of this court. For while I utterly dis-
claim the idea that this court, or any court, or any human power,
has the right to enforce a creed, or system of doctrine or belief, on
any man, or to require him to assent to any prescribed system of
document, or to search out his belief for the purpose of restraining
or punishing it in any temporal tribunal, I do most unqualifiedly
assert and maintain the power and right of this court, and of every
court in New Jersey, to ascertain, by competent evidence, what
are the religious principles of any man or set of men, when, as
may frequently be the case, civil rights are thereon to depend, or
thereby to be decided. In a greater or less degree it is done daily.
Who avail themselves of it more frequently than the society of
Friends, when, on the ground of religious faith, they claim and
enjoy an exemption from the use of an oath in our courts of jus-
tice? How far, then, this separation may have been proper, or
whether the causes of it will stand the scrutiny, which, in the great
day of account, they must undergo, we are not to resolve. Its ef-
fact on this society and the ancient assembly, is the outermost
bound of our enquiry.

Third. Inasmuch as our research, properly and almost exclu-
sively relates, as I have endeavored to shew, to the yearly meet-
ing in its collective capacity, it is of little worth to enquire into
the plans, designs, or views of individuals, or even the acts of in-
ferior bodies, since these, however incorrect, or hostile, or indef-
sensible, can have no great influence on our main pursuit; for if
individuals were ambitious, not lowly, arrogant, not humble, domi-
neering, not submissive, and were destitute of the mild and for-
bearing spirit of christianity; if a party had sprung up, resolved,
as was said, "to rule or to rend;" if even monthly or quarterly
meetings had violated the wholesome rules of common discipline,
it by no means follows that the bonds of the society were broken,
their compact dissolved, their discipline at an end, their constitu-
tion destroyed, and their existence annihilated. Such a govern-
ment is a mockery, a pretence. It has not the consistency of
even the mist of the morning. The plain and irresistible truth,
that such a government, so wholly unadapted to the condition of
mankind, could not exist, abundantly proves that such principles
are unsound. The basis of all government, is the truth taught by
every page of history, that turbulent passions will arise, that acts
of violence will be committed; and the purpose of government
is to control, to regulate, to repress, to remedy such passions and
conduct. If otherwise, the edifice is built of such stuff as dreams
are made of, and is as unsubstantial and as little to be valued as a castle in the air. If the state of Georgia should disregard the decision of the federal judiciary, or even resist the executive power of the United States, is the constitution dissolved? If designs exist in South Carolina, "to rule or to rend," our government, surely, is not therefore annihilated. It may be said, these are but parts, small parts of the Union. Is it not in like manner said, the adherents of the Arch street meeting are a minority, a small minority? Gough, in his history, makes this judicious and appropriate remark. "The independency claimed by the discontented party, is incompatible with the existence of society. Absolute independency in society being a contradiction in terms." 3 Gough's Hist. 24.

This view of the subject would, I think, excuse any examination in detail; yet to see these principles in their practical application, as well as farther to illustrate the matter, and to leave, if possible, nothing without notice, which is urged as bearing on the result, I shall briefly advert to some of the prominent topics of dissatisfaction and complaint.

"The most prominent cause of" the division in the society, "of a public nature, I consider to be," says one of the witnesses, (Abraham Lower, 1 vol. Evid. 354.) "the public opposition or disrespect, manifested by the members of Pine street monthly meeting, by the agency and influence of Jonathan Evans, in breaking up the men's meeting, or closing it, whilst Elias Hicks, was, with the consent and approbation of that monthly meeting, engaged in the women's department in the prosecution of his religious concern." The occurrence took place "between 1819 and 1821." (Ibid.) Now, if a prominent member of that meeting was guilty of rudeness or impropriety, it is plain, that he should have been individually dealt with, brought to confess his error, or disowned. If the meeting, as such, acting from his example or under his influence, were guilty of censurable disrespect, "such meeting ought" to have been required "to render an account thereof." I use, here, the words of the book of discipline, the meaning of which is well understood. But it is claiming too much, to assert, that the society is thereby rent asunder, when no measures to punish the offenders were ineffectually essayed, when years have shed their healing influence over it; or that the religious rights and privileges of all the other meetings and mem-
bers, within a large district of territory have been jeopardized, and the subsequent sessions of the yearly meeting been unwarranted, and their acts usurpation and oppression.

Another complaint against individuals, and against the meeting for sufferings, is called "an insidious effort to palm a creed upon a society which never had a creed." (Abraham Lower, *Evid.* 369.) The affair is thus represented by the witness who uses the expression I have quoted. "The minds of some of the members of that meeting appeared to be anxious that something should be done to keep the minds of the members of the society from imbibing sentiments which seemed to be growing common among its members. The suggestion was made to get up a pamphlet, to be composed of extracts from the writings of our early Friends, and from what some of us saw of the disposition of those persons, who have since denominatet themselves 'Orthodox' .... we felt afraid that something was about to be got up, calculated to trammel our conscientious rights, and when the pamphlet was prepared, a small number of us expressed our dissatisfaction with the undertaking, and with the matter of the pamphlet, fearing, that in the hands of arbitrary men, a construction might be given to some of the views in that pamphlet, that would abridge the right of private judgment .... there were, I think, ten thousand of them printed .... but it was detained, not published. And when the minutes of the meeting for sufferings came to be read as usual, in the yearly meeting, to my surprise, that pamphlet appeared to be recorded on the minutes, and when it was read, the yearly meeting appeared very much dissatisfied with it. It was proposed, and generally united with, and so expressed, that it should be expunged from the minutes of the meeting for sufferings.... It was finally left, with the conclusion that it should not be published. It was considered in the light of a creed, and that by this course of leaving it on the minutes of the meeting for sufferings .... that when the minutes should be read in the yearly meeting, and that as a part of them, that it would be adopted by society, foisted upon them in that insidious way." (Abraham Lower, *Evid.* 368.) On the other side, the following representation of this affair was made. "It has been the custom of the society, whenever any of its doctrines or testimonies are misrepresented in works that are published, to endeavor to induce the
editors of those works to give the views that Friends hold in respect to the doctrines thus misrepresented. In the year 1822, there was a discussion in a public paper, printed at Wilmington, conducted under the signatures of Paul and Amicus; Paul attacking Friends, and Amicus speaking in their behalf, and in a manner too which shewed, that he was speaking for the society, clearly. After this discussion had progressed for a considerable time, Amicus avowed doctrines, as part of the christian faith, which we could not accord with; they appeared to be of a socinian character, at least. These essays being about to be reprinted in form of a book .... the meeting for sufferings, in the regular order of their proceedings did .... notice it, by appointing a committee. .... The committee pursued the usual course .... prepared a statement of what were the views of Friends .... making extracts from various approved authors. The meeting united with the report of the committee, and made a minute on the subject. The editor did publish the minute in his paper, but declined saying any thing on the subject in his book. The meeting were under the necessity of publishing these extracts themselves, and did print an edition of it. In the yearly meeting of 1823, when the minutes of the meeting for sufferings were read, considerable objections were made to that part of the proceedings .... The excitement being considerable, the meeting adjourned until the next morning. When the meeting assembled the next morning, it was proposed that the extracts should be stricken off the minutes of the meeting for sufferings; objection was made to that, on the ground that it would be a disavowal of the doctrines held by Friends, these extracts being taken from the writings of approved Friends.”

.... It was “proposed to them to avoid both difficulties by simply suspending the publication, not taking it off the minutes, and not circulating the pamphlets, but leaving the subject. This proposition was finally acquiesced in, and the business so settled.”

(Samuel Bettel, I vol. Evid. 72.) How far this explanation may serve to shew that the measure was in conformity with ancient custom, and called for by the exigency of the occasion; or how far it was an insidious effort to impose a creed; or how far the fear was well founded that an attempt was made to trammel conscientious rights, or to abridge the right of private judgment, I shall not undertake to decide. It is enough to say, that if such a
design existed, if such an effort was made, the design was frustrated, the effort was defeated; and the authors of it met with a just, though silent rebuke. But the attempt did not impair the solidarity of the yearly meeting to which it was proposed. I cannot believe that the proposal, by a committee of congress, of an unconstitutional or oppressive law, would annihilate that body, or abrogate the constitution. The wildest and most visionary theorists would not, I believe, venture on such bold and untenable ground.

This matter, of religious faith and doctrine of a creed, has directly or indirectly filled up a large portion of the volumes of evidence before us, was the subject of many remarks in the arguments of the counsel at the bar of this court, has been the cause of much anxiety and alarm; and misunderstandings in respect to it, have, I doubt not, had great influence in bringing about the lamented rupture in this most respectable society. I fear the matter has been greatly misunderstood, if not greatly misrepresented. This society has, and from the nature of things, must have, its faith and doctrines, its distinguishing faith and doctrines. They would, unhesitatingly, repudiate the tenets of Confucius, of Brah- mah, or of Mohammed. They believe "in Christ and him crucified." They bear both public and private testimony of their faith. They have repeatedly declared it, and published it to the world. They have a confession of faith, and a catechism. A declaration of faith was issued on behalf of the society, in the year 1693, was approved by the morning meeting of London, and published by the yearly meeting of Philadelphia, in or about 1730. It is, I suppose, the same which is to be found in Sewell's History, (2 vol. 472.) It purports to be "a declaration of what our Christian belief and profession has been and is," and contains an exposition of belief, in respect to Jesus Christ, his suffering, death, and resurrection, and the general resurrection of the dead, and the final judgment. Sewell, (2 vol. 483.) gives what he calls "a confession of faith," which was, by George Whitehead and others, presented to Parliament, in December, 1693, and begins thus, "Be it known to all, that we sincerely believe and confess." The yearly meeting, as early as 1701, by their direction and at their expense, circulated Barclay's Apology, and his Catechism and Confession of Faith, as containing the doctrines and tenets of the society of
Friends. What is a creed but an exhibition of faith and doctrine? Why, then, should the tocsin now be sounded among a people, who, a well informed member tells us, have more frequently than any other religious community, exhibited to the world their principles and their faith? Were the early Friends less anxious for the cause of truth, less jealous of encroachment on their religious freedom, less willing to bear testimony against error and to suffer for their testimony, less prompt to discern insidious efforts, less fearful of attempts to trammel conscience or abridge the right of private judgement? The observations of Robert Barclay, in a treatise on church government, published under the sanction of the society, and several times printed by the yearly meeting of Philadelphia, (Thomas Evans, 1 vol. Evid. 304.) are fraught with so much good sense, practical wisdom and genuine piety, that they cannot be too frequently pondered by all, of every name or sect, who feel an interest in the cause of religious truth and order. "Whether the church of Christ have power in any cases that are matters of conscience, to give a positive sentence and decision, which may be obligatory upon believers. I answer affirmatively, she hath; and shall prove it in divers instances, both from Scripture and reason; for, first, all principles and articles of faith which are held doctrinally, are, in respect to those that believe them, matters of conscience. .... Now, I say, we being gathered into the belief of certain principles and doctrines, without any constraint or worldly respect, but by the mere force of truth on our understanding, and its power and influence upon our hearts, these principles and doctrines, and the practices necessarily depending upon them, are, as it were, the terms that have drawn us together, and the bond by which we became centered into one body and fellowship, and distinguished from others. Now, if any one or more, so engaged with us, should arise to teach any other doctrine or doctrines, contrary to these which were the ground of our being one, who can deny but the body hath power in such a case to declare, this is not according to the truth we profess, and therefore, we pronounce such and such doctrines to be wrong; with which we cannot have unity, nor yet any more spiritual fellowship with those that hold them. .... Now, this cannot be accounted tyranny and oppression. .... Were such a principle to be received or believed, that in the church of Christ no man should be
separated from, no man condemned or excluded the fellowship and communion of the body, for his judgment or opinions in matters of faith; then what blasphemies so horrid, what heresies so damnable, what doctrines of devils but might harbor itself in the church of Christ? What need then of sound doctrine, if no doctrine make unsound? .... Where a people are gathered into the belief of the principles and doctrines of the gospel of Christ, if any of that people shall go from their principles, and assert things false, and contrary to what they have already received, such as stand and abide firm in the faith have power ..... to separate from such, and to exclude them from their spiritual fellowship and communion.” (Barclay's Anarchy of the Ranters, 53, &c.) On the present occasion it is not my purpose, because for the determination of the controversy before us, I do not find or deem it necessary, to enquire whether the society of Friends can, or may, or will, according to their rules, disown a member who holds unsound or heretical doctrines, who should disavow all the essential principles of christianity, and profess to believe that Jupiter and Mars and Apollo, and the fabled deities of Olympus are the true gods, or that the “blood of bulls and of goats should take away sins,” but simply to show that the society as such, have their faith, their principles, their doctrines, their peculiar faith, their distinctive principles, their characteristic doctrines, without which a man may be a heathen, a mohammedan, or even a christian, but cannot be one of the people called Quakers. Can I mistake in this, when I read such a passage as I have quoted from Barclay, a standard of the society, acknowledged, received, revered as such? What is his work just named, what is his “Apology,” but an exposure of doctrine, of principle, of faith, of the doctrine, principle and faith of the Friends, avowed by them, published by them, resorted to by them as their light and guide in the hours of darkness, and doubt, and difficulty; in those trying hours, which come to them as they come to all men of religious feeling, when the light within needs oil and the flickering flame of hope to be made steady and brilliant. Can I mistake, when the book of discipline, with uncommon solicitude, requires each preparative meeting of ministers and elders, no less than three times in every year, to certify to its quarterly meeting, in answer to one of the queries, “whether ministers are sound in
word and doctrine?" Soundness is a relative term, meaning freedom from error and fallacy, and necessarily requiring some standard whereby the word and the doctrine may be judged. The doctrine to be sound, must be conformable to some standard; and does not the query, then, assert that a standard exists in this church; and that thereby the doctrine of the minister, may, by his fellow man, be compared and tried? If, however, I may mistake in thus reverting to these venerated sources, let us for a moment, recur to the evidence. Abraham Lower, (1 vol. Evid. 369.) says, in connection with this subject, "The society believing now as they did, in the first foundation of it, that the bond of union, by which it was bound together, was and is, 'the life of righteousness.'" Is not here a direct assertion, that there is a belief, and a belief not merely of individuals, but of the society as such? And he refers for an exposition, published and expressed, to the author and the book from which I have just quoted. In this connection, I recur farther, to the first document emanating from Green street, dated fourth month, 1827. "Doctrines held by one part of the society, and which we believe to be sound and edifying, are pronounced by the other party to be unsound and spurious." Now I may be allowed to ask, why speak of doctrines, if the society, as such, has no concern with them? How are doctrines ascertained to be unsound and spurious, or sound and edifying, if there be no standard of faith and doctrine, no creed? Why should this difference or departure from a sound belief, be made a subject of complaint? How is such a denunciation to be reconciled with the alarm at a creed, or the dreaded attempt to control conscience and abridge the right of private judgment?

The meeting for sufferings, by the rejection of certain persons, appointed by the southern quarter as representatives, are charged to have given "reason to apprehend that they were determined to control the operations of society according to their wills," and to have furnished "evidence of their having dissolved the compact, and so far as their own influence extended, and their own acts could extend, separated itself from the society." (Abraham Lower, 1 vol. Evid. 370.)

The meeting for sufferings, is a subordinate department for the business of this society, and especially to exercise care during the intervals between the sessions of the yearly meeting. If this body
did improperly reject the representatives, if in this respect they violated the discipline, it is very obvious that their act, their unconstitutional act, could impart no censure whatever to the yearly meeting, much less destroy its existence. But the design, the motive, the ambitious and domineering spirit, which induced this conduct, these are, we are told, the consuming fires. The state of the case is shortly thus: The meeting for sufferings is composed of twelve Friends appointed by the yearly meeting, and also of four Friends chosen out of each of the quarterly meetings; and the book of discipline provides that "in case of the decease of any Friend or Friends, nominated either by the yearly meeting or quarterly meetings, or of their declining or neglecting their attendance for the space of twelve months, the meeting for sufferings, if it be thought expedient, may choose others in his or their stead, to serve till the time of the next yearly meeting, or till the places of those who have represented the quarterly meetings shall be supplied by new appointments." (Book of discipline, 55.) In the year 1826, the southern quarterly meeting resolved to release two of the persons, who were then sitting as members of the meeting for sufferings under their appointment; and appointed others. The meeting were of opinion that such a measure was not contemplated by the discipline; that the quarter had a right to fill, but not to create vacancies; and that the only case which constituted a vacancy and called for a new appointment, was death, resignation, or neglect of attendance; neither of which then existed. The meeting for sufferings appointed a committee to confer with the quarterly meeting. The latter adhered to their resolution. The case was forwarded to the yearly meeting of 1827 for their care, and was one of those, which as already mentioned, were postponed. (Exhib. No. 47, 2 vol. Evid. 477.) Here, then, appears to have been a difference of opinion, on the construction of a clause in the book of discipline, respecting the power of the quarterly meeting. Without undertaking to decide which is correct, there was certainly room enough for a diversity, and I can see no reason, either in the relation of the witnesses, or in an examination of the controverted clause, to doubt that the opinion entertained by the meeting for sufferings, was honest and sincere, and not feigned or fraudulent; more especially if, as alleged, it was sanctioned by a practice of seventy years, coeval with the existence of that meet-
ing. Now an honest diversity of opinion as to constitutional powers, could not "dissolve the compact;" nor could the act of the meeting, in sending a committee to confer with the quarter, nor even their omission to yield to the determination of the quarter, until the matter could be investigated and decided by the ultimate and competent tribunal, the yearly meeting. But in whatever light we may view this matter, it is, as already observed, the act of the meeting for sufferings, not of the yearly meeting. The course pursued by the latter, and the reason of that course, have been already mentioned and considered. If, indeed, "this circumstance" had produced, as is said by one of the witnesses, (Halliday Jackson, 2 vol. Evid. 48) "as great a sensation throughout the society, as, perhaps, any other circumstance that occurred previously to the yearly meeting of 1827," there needs be no surprise that this meeting should not be in a state to take it under consideration; and the propriety of a postponement until time should have shed its calming influence, and the consistency of this course with the avowed principles and frequent practice of the society of Friends, are very manifest.

The remarks which I have made on these cases, selected by way of example, and for the sake of illustration, render it unnecessary that I should particularly notice, or enter at large into the statement or consideration of others of the same general character. If the principles which I have endeavored to establish, and have applied to these cases, are correct, the others can have no greater influence on the question of the continued existence of the yearly meeting.

Another point has been decidedly taken, on the part of those who maintain the dissolution and reorganization of the ancient yearly meeting, and which I have shortly, under this head, expressed by the phrase, "feelings of individuals." It is more at large explained, in the first public document issued from the meeting in Green street, thus; "The unity of this body is interrupted; a division exists among us, developing views which appear incompatible with each other, and feelings averse to a reconciliation." Now admitting this to be true, and it may, perhaps, be rather to be lamented than denied, that such incompatible views and averse feelings existed in both parts of this body; what consequence can fairly, legally, upon any practical princi-
ules of human action, result to the existence of the meeting, and the connection of the society? What consequence, on the pacific principles always maintained among the Friends? If time, charity, a recollection of the common sufferings of themselves and their ancestors; if prayer and supplication; if the smiles of the Great Head of the church universal, would not change and reconcile these views, reverse and soothe these feelings, then might those who thought "the period had fully come when they ought to look towards making a quiet retreat," have justly said to the others, "Let there be no strife, I pray thee, between me and thee, and between my herdsmen and thy herdsmen, for we be brethren! Separate thyself, I pray thee, from me; if thou wilt take the left hand, then I will go to the right; or if thou depart to the right hand, then I will go to the left." But without even an attempt at such voluntary separation, I can see no safe principle, which will entitle a portion of those who entertained such views and feelings, on account of their existence and prevalence, to disfranchise the rest, to declare the ancient meeting dissolved, the society broken up into its individual elements, and then proceed to erect among themselves a new body, and declare it the society of Friends, and its meeting, not merely a new yearly meeting, but the ancient and legitimate yearly meeting, not a new yearly meeting, but the meeting resettled on its ancient foundations and principles.

If a portion of this religious community found, or believed to exist, in another portion, such feelings and views as rendered it impracticable for them any longer to fraternize, any longer peacefully, harmoniously and profitably to meet and commune and worship together, a very sufficient reason in conscience, may have been thereby afforded them to withdraw, to make "a quiet retreat;" and the principles of the government under which we have the happiness to live, would have sustained them in the measure, and allowed them to join any other religious community, or form another association, of whatever name, for religious purposes. But the existence of such feelings and views, would not deprive those who remained of their ancient name, rights and privileges, if they retained their ancient faith and doctrine, maintained their wonted testimonies, and adhered to their ancient standards; nor would the act of withdrawal, even if by a majority,
confer on them the form and name, the power and authority of the ancient community. In like manner, if a portion discovered in the rest, or in some of the more influential members, a determination "to rule or to rend," although hereby, in conscience, a sufficient reason to excuse or justify a withdrawal might be found, yet could not even a majority carry with them, the power and authority and rights of the whole, unless the disposition or determination had been carried out into overt acts; for, of the latter only, can men judge or be judged by their fellow men, while of the former, he alone can take cognizance, who knoweth the secrets of all hearts.

I have thus endeavored to examine and weigh, in detail, or by its principles, every argument which I have either heard or read, to prove that the body which sat in Arch street meeting house, in April, 1827, was not, or ceased to be the Philadelphia yearly meeting of Friends. The position is not maintained. At the closing minute, that body was the ancient legitimate yearly meeting as fully as during the forenoon sitting of the first day, or as it had been at any point of time since the year 1685.

If this be true, if the body which then closed its functions for the time, in the usual manner, and by the ancient minute, was the legitimate body, it is enough for the present occasion, nor need we look at its future history, because the new body, which claims its power and place, assembled in the course of a few months, and before the recurrence of the next annual period. It may not, however, be unprofitable to state in this connection, as appears from the evidence, that in the year 1828, and since, annually, at the wonted time and place, meetings have been held, of such as have thought proper to attend, of the acknowledged members of the ancient society, who have not been disfranchised by any act of any tribunal, claiming to represent, the society of Friends, or to possess or exert any power of disownment.

If the body which thus held and closed its session, was the regular, constitutional yearly meeting, it follows, as an inevitable consequence, that the assembly which convened in October, of the same year, in Green street, could not be, whatever name it may have assumed, the ancient legitimate yearly meeting, the common head and centre of the subordinate meetings, and of the society of Friends in New Jersey and Pennsylvania. One meeting being
in life, another of the same powers, rights, and jurisdiction, could not, according to the discipline of the society, according to the simplest elements of reason, according to the immutable rules of action, which must govern and control all human assemblages, of whatever nature, and whether religious or civil, according, indeed, to the avowed doctrines of the pleadings in this cause, and the consentaneous declarations of counsel, a second, a subsequent meeting could not, be set up within its bounds. The yearly meeting, having convened and closed in April, 1827, could not again convene, nor could any body, possessing its powers and authorities convene, until the same month of the succeeding year, 1828. The place of meeting was fixed by the voice of the yearly meeting, which alone had the authority in this respect, and alone could change it. The time was directed by the constitution or book of discipline, to which we have had so frequent occasion to refer. The time could, indeed, be altered by the yearly meeting, but by it alone. There was no adjournment made by the yearly meeting, to a shorter day than the annual period. There is no provision in the constitution for an intermediate, or as it is commonly denominat ed, a special meeting; nor is authority given to the clerk, to any portion of the members, or invested any where else, to call such meeting. Hence it clearly follows, that according to the constitution, the yearly meeting could not again assemble, until 1828; and no body, of whomsoever consisting, or by whomsoever composed, which may have convened in the intermediate period could, conformably to constitutional principles, be, the Philadelphia yearly meeting.

We learn, however, from the evidence before us, that on the nineteenth, twentieth, and twenty-first days of April, during the yearly meeting, and after its close, a number of Friends met together to confer on the state of the society. They resolved to meet again, and accordingly did meet, in the sixth month of that year, and then recommended that a yearly meeting should be held, on the fifteenth day of the ensuing month of October. A meeting was held at the Green street meeting house. And this meeting, is said by Stacy Decow, in his answer to the bill of interpleader, to be "the true and legitimate yearly meeting of Philadelphia," and by one of the witnesses, is called "the yearly meeting reorganized," (Abraham Lower, 1 vol. Evid. 404.) We
are now to examine whether it was so, and in the present enquiry I propose to lay out of view the fact, which I believe has been fully demonstrated, that the yearly meeting was actually in full vigor and capacity.

This enquiry is to be conducted under two different aspects, first, on the assumption that the constitution or discipline of the society remained in force; and secondly, on the assumption that the hedge was thrown down, the bond of union unloosed, the society broken up into its individual elements, the constitution or discipline not providing for the emergency, or having crumbled into dust.

*First.* The constitution is in force. The time and place of the yearly meeting are fixed. April, not October, is the one; Arch street, not Green street, is the other. Neither can be changed without the resolution and authority of the yearly meeting. No such authority was given. On the contrary, the resolve of that body was, that the next yearly meeting should assemble on the third second day of April, at Arch street, at the usual time and place, "if the Lord permit;" and these latter words did not, as is asserted in the answer of Stacy Decow, constitute "a contingent adjournment," nor contemplate "the circumstance.... of Friends not being again permitted to assemble at that time;" but were designed to acknowledge their humble and entire dependance on the Great Master of assemblies, without whose permission they neither expected nor wished again to convene. A special meeting of the yearly meeting is an anomaly, and unprovided for. Neither the few nor the many, have power given to them to convene such meeting. If then, the constitution was in force, the meeting in October was not the true and legitimate yearly meeting of Philadelphia.

*Second.* Let us now suppose the compact broken, the constitution dissolved, and the disjoined members at liberty to act from individual minds. Was the meeting entitled to the name it then assumed? There are three insurmountable obstacles. First, it was not convened as the ancient yearly meeting. Second, the members at large, the only constituent parts, or in other words, the individual elements, were not, and a portion of them only was, invited to assemble. Third, it was not composed or constituted as the ancient yearly meeting.
First. This October meeting was not called, nor did it come together as the ancient yearly meeting. The name which it thought proper then to assume, or which was then conferred upon it, cannot help this deficiency. In the call which was issued, the faintest idea is not held out that the ancient yearly meeting was to be convoked; no hint is given that the ancient meeting was to be reorganised, or to be settled on its ancient foundations and principles. On the contrary, the idea is conveyed with comprehensible distinctness, that a new yearly meeting was to be formed. The address, which bears date in June, contains, in the first place, an avowal of the design or object in view, "to regain harmony and tranquility.....by withdrawing ourselves, not from the society of Friends, nor from the exercise of its salutary discipline, but from religious communion with those who have introduced, and seem disposed to continue, such disorders among us." There is nothing here of remaining in the ancient yearly meeting, nor of continuing or reorganising it. But let us proceed. "We therefore.....have agreed to propose for your consideration, the propriety and expediency of holding," what? The ancient yearly meeting? No. "A yearly meeting for Friends in unity with us, residing within the bounds of those quarterly meetings heretofore represented in the yearly meeting held in Philadelphia." And farther, "It is recommended that the quarterly and monthly meetings which may be prepared for such a measure, should appoint _representatives_ to meet in Philadelphia on the third second day in tenth month next, at ten o'clock in the morning, in company with other members favorable to our views, there to hold a yearly meeting of men and women Friends, upon the principles of the early professors of our name." In this clause are several prominent points. First, the meeting was to be composed of representatives from the monthly as well as the quarterly meetings. Now, the ancient yearly meeting had no representatives from monthly meetings; certainly, since the discipline, as adopted and published in 1806. A _continuance_ of the yearly meeting could not then have been contemplated, nor a reorganization of it, nor a settling of it on its ancient principles. Second, It was to be, not the Philadelphia yearly meeting, but "a yearly meeting of men and women Friends;" and thirdly, It was to be formed on the principles of
the early professors of our name, not on the platform of the yearly meeting, as erected by the book of discipline.

Second. This meeting in October, was not so convened as to entitle it to assume the name, and to take the place of the Philadelphia yearly meeting.

If the yearly meeting was dissolved, and the society brought back to a mere collection of individuals, if the state of things were such that individual minds might now form anew or reorganize, as they are said to have originally formed, it is a very clear proposition, and not to be controverted, that all the individuals of the society ought to have been called; none should have been directly or indirectly excluded. Whatever dissensions had risen up, whatever animosities existed, the former members of the society remained such, and those who did not meet in Green street, in person or by representatives, were as much as they who did, members and individual elements. All, then, had a right to be called, all must be called, all must be afforded an opportunity to assemble, or no convocation can be lawful, the true and legitimate yearly meeting cannot be there. Now, the recommendation or invitation to assemble, was not comprehensive, but exclusive, not general, but limited. A particular class or description only were invited; all the rest were debarred and shut out. The maxim, *expressio unius est exclusio alterius*, is adopted in the law, only because it is the dictate of common sense. For whom was the meeting? Who were to attend? "For Friends in unity with us." Not for Friends in general, not for the members of the ancient yearly meeting, but for such only as were in unity with those who made the proposal. Who were invited to send representatives? All the monthly and quarterly meetings? By no means. "The monthly and quarterly meetings *which may be prepared for such a measure.*" This language cannot be misunderstood or misconstrued; and besides the representatives, for as we have heretofore seen, all who were led by inclination or duty, came in their individual capacity to the yearly meeting, who were to meet in company with them? All the society? All other members? Not so. "Other members favorable to our views." Was then the yearly meeting convoked? Was even a general meeting of the society of Friends called? Ingenuity cannot pervert, blindness cannot mistake, such perspicuity. If I may be per-
mitted to use a term, because it is so common as to be well understood, and not because I mean to make any offensive application of it, the call was for the meeting of a party. I do not intend to say, a right party, or a wrong party, for the subject will, in its nature, admit of either qualification, but a party. And such a convocation, of a portion only of the society, the rest whether majority or minority, or however small in comparative numbers, being excluded, cannot be the true and legitimate yearly meeting, cannot be the ancient yearly meeting reorganised and settled again on its ancient foundations and principles.

Third. The meeting in October was not composed or constructed as the yearly meeting.

I have, incidentally, adverted to this subject, in showing the nature of the call, or who were invited to attend the meeting; but I now present it as a characteristic difference between this assemblage and the yearly meeting. The yearly meeting is composed of members of two classes, individuals, and the quarterly meetings; the latter being represented by delegates. Such is not only the case since the present book of discipline was published by the society, but was the principle of organization when this meeting was first established. Gough, the historian, says, "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 thenceforth 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 yearly meeting in Ireland, and sometimes from other parts, yet without restraining any member in unity with the society from attending." (2 Gough's History, 163.) But the meeting in Green street was composed of three classes, individuals, quarterly meetings, and monthly meetings; some of the latter, as bodies, Mount Holly, Chesterfield and Radnor, being represented by their delegates. (Exhib. 9.) It is no answer, that members of this society are entitled to sit in their individual capacity, and therefore, whether there, as individuals or delegates, can make no difference. This result does not follow. The representatives alone, it will be remembered, perform the important service of nominating a clerk to the meeting. And hence, the clerk who acted for, and was appointed
by this meeting was nominated, at the least in part, by the representa-
tatives of monthly meetings, who were irregularly there. And
the incongruity of this procedure farther appears from this, that
the individual members first appointed, in their monthly meetings,
the representatives of those meetings, and then themselves atten-
ded as individual members. It is manifest, therefore, the October
meeting was not composed as a yearly meeting should, and could
only, have been.

In the course of this investigation, it has repeatedly occurred
to me, and every time with increasing force, that the grounds of
division, if no difference of religious faith existed, were of an infe-
rior and evanescent nature. It seems to me, though, perhaps, I
am unable, not being a member of the society, properly to ap-
preciate the matter, that patience, forbearance, brotherly kindness
and charity, the meek and mild spirit which has been believed to
characterize and adorn the genuine Friend, would, under the
smiles and blessing of Providence, have wrought out a perfect
reconciliation, have brought again these discordant minds to the
wonted harmony, and the unity of spirit would have again pre-
vailed. If, indeed, a difference of faith and doctrine had grown
up and become strong, if either portion had fallen off from the an-
cient principles of their church, and I use the term, here, as did Fox
and Barclay and Penn, the breach is not the subject of surprise,
and it must, with no less truth than regret, be said, “between us
and you there is a great gulf fixed.” In the pleadings of this
cause, in the extended volumes of testimony, and in the laborious
arguments of the counsel, I do not remember any charge that the
members of the society, who remain connected with the Arch
street meeting, have departed from the doctrines and principles of
Friends, as stated by their founder and his early followers; and
I rejoice that I have not been constrained to enquire into the
charge of departure, so freely and frequently urged against the
members of the Green street meeting. In any remarks I have
made, I am not to be understood as asserting or countenancing
such a charge. Nor do I mean to say, they either had or had not
grounds and reasons sufficient to induce a separation. With these,
I do not profess, for this court, in the present cause, to interfere.
It is with the legal consequences of their acts, we are to concern
ourselves. A separation of a portion does not necessarily destroy or impair, nor, as it respects legal existence, even weaken the original institution. This doctrine was distinctly asserted by the Supreme Court of this state, in the case of Den against Bolton and others, which arose on the division in the Reformed Dutch Church of the United States.

Upon the whole, I am brought, by the most careful, faithful, and minute investigation of which I am capable, to the result, that the Arch street meeting was, and the Green street meeting was not, the Philadelphia yearly meeting of the society of Friends.

We are now to look for the consequences on the cause before the court. We have seen that every preparative meeting within the states of Pennsylvania and New Jersey, which is, through and by its connecting links, connected with, and subordinate to, the yearly meeting of Philadelphia, is a preparative meeting of the people called Quakers; and any preparative meeting or assemblage of persons calling themselves a preparative meeting, not thus connected and subordinate, is not a preparative meeting of that people, within the meaning of their constitution and discipline, and within the meaning of the subscription to the school in the present case, or in other words, the instrument whereby the trust fund was created. We have farther seen, that the preparative meeting having authority to appoint the treasurer of the school fund, is the preparative meeting of Chesterfield, connected with, and subordinate to, the yearly meeting of Friends of Philadelphia. We have seen that the preparative meeting whereby Stacy Decow was appointed treasurer, was not, at the time of that appointment, connected with, and subordinate to, the Arch street meeting, but had previously disunited itself therefrom, and connected itself with the Green street meeting; and that, therefore, it was not the Chesterfield preparative meeting of Friends, at Crosswicks, meant and mentioned in the establishment of the school fund, and had not competent authority to discharge Joseph Hendrickson and appoint a successor.

There is, then, no successor to the person named as treasurer in the bond and mortgage, and he has, consequently, the legal right to recover the money.

I do, therefore, respectfully recommend to His Excellency the
Chancellor, to decree upon this bill of interpleader, that the principal and interest mentioned in the said bond, and intended to be secured by the said mortgage, of right belong, and are payable to the said Joseph Hendrickson, and that he be permitted to proceed on his original bill of complaint, or otherwise, agreeably to the rules and practice of the court of Chancery.

CHARLES EWING.

Opinion of ASSOCIATE JUSTICE DRAKE.

The present controversy has grown out of the prosecution of a certain bond and mortgage, bearing date the second day of fourth month (April), A. D. 1821, executed by Thomas L. Shotwell to Joseph Hendrickson, Treasurer of the School Fund of Crosswicks’ Meeting, to secure the payment of two thousand dollars, with interest, at six per cent., to the said Joseph Hendrickson, Treasurer as aforesaid, or his successor, or to his certain attorney, executor, administrator, or assigns. Upon this bond, the interest had been duly paid until the second day of April, A. D. 1827. The interest from that date, together with the principal, composes the sum now in dispute.

It is admitted, that the money, for which these securities were given, is part of a fund, the principal part of which was raised about the year 1792, by the voluntary subscriptions of a considerable number of the members of the preparative meeting of the people called Quakers, at Crosswicks, in the township of Chesterfield, county of Burlington, and state of New Jersey; for the purpose of creating an interest, or annuity, “to be applied to the education of such children, as now do, or hereafter shall, belong to the same preparative meeting, whose parents are not, or shall not be, of ability to pay for their education.” And this fund was to
be "under the direction of the trustees of the said school," (the school then established at Crosswicks) "now, or hereafter, to be chosen by the said preparative meeting."

It is further admitted, that previous to the year 1827, there was but one preparative meeting, of the people called Quakers, at Crosswicks; although it was sometimes designated as the Chesterfield preparative meeting, at Crosswicks; and at other times, as the preparative meeting of Friends, at Crosswicks. It was an association, or meeting, of the religious society of Friends; and it had the power to appoint the trustees of the school, the treasurer, and other officers of the association.

Joseph Hendrickson, one of the above named parties, was appointed treasurer of this meeting in 1816, and was continued in that office, as all parties agree, until the summer or autumn of 1827, when disputes arose in that meeting, and others with which it stood connected, which resulted in the separation of one part of its members from the other part. One party, or division of that body, have continued the said Joseph Hendrickson in the office of treasurer. The other party, in the month of January, 1828, appointed Stacy Decow, another of the above named parties, to the same office, and have continued him in that office until the present time.

Both Hendrickson and Decow, claim to be the treasurer of the Chesterfield preparative meeting, and, in that capacity, to have the custody of this fund. As both have been appointed, although by different bodies, or different parts of the same body, the title to the office must depend upon the appointing power; that is, the preparative meeting. And inasmuch as two several bodies pretend, each, to be the true preparative meeting, and one only is contemplated as the trustee of this fund, it becomes necessary to inquire which is the true preparative meeting.

It appears by the testimony, that on the twenty-seventh day of December, A. D. 1827, the Chesterfield preparative meeting of Friends was divided, by the minority of the members, assembled at that time, withdrawing to another house, leaving the majority, with the clerk, at the usual place of meeting. They continued their business there; and the minority organized anew, or held another meeting, having appointed a new clerk to act for them.
If this preparative meeting were an *independent body*, acting without the influence of any conventional principle operating upon this point, the act of the minority on this occasion would not affect the powers of the majority who remained in session; however it might expose itself, and the members composing it, to disabilities. But the right to make appointments, and to exercise the other functions of the preparative meeting, would still continue with the larger party.*

But the preparative meeting is not an independent body, but a component part of the *religious society of Friends*. Hence, it is necessary to examine its connection with the society of *Friends*, and the history of that society, so far as it influences the separation in this preparative meeting, in order to determine the question, which of these bodies is the true preparative meeting; and is, of course, entitled to appoint a treasurer, and to manage this fund.

The society of *Friends*, as it existed at the time when this school fund was created, and thence down to the year 1827, was an association of christians, bound together by a distinct government, peculiar testimonies, and, as one party contends, by certain religious doctrines, deemed by them fundamental. For their government, the *Friends*, residing in New Jersey and Pennsylvania, as early as the year 1689, established a general meeting, called a yearly meeting, in which the numerous inferior meetings have been represented, and which all the members of the society have had a right to attend. (1 vol. *Evid. 333.*) That yearly meeting, soon after its institution, adopted and published certain articles of government, called, “Rules of Discipline of the Yearly Meeting of *Friends*, held in Philadelphia.” This is acknowledged by all the parties to this suit, as their system of government; and by that, so far as its provisions extend, all profess to be willing to be tried. In this publication, we find that their meetings for discipline are declared to be; (*Intro. Discip. 3.*) “First, preparative meetings; which commonly consist of members of a meeting for worship; second, monthly meetings, each of which commonly consists of several preparative meetings; third, quarterly meetings,
each of which consists of several of the monthly meetings; and, fourth, the yearly meeting, which comprises the whole."

And the connection and subordination of these meetings, are declared to be thus; (Discip. 31.) "Preparative meetings are accountable to the monthly; monthly, to the quarterly; and the quarterly, to the yearly meeting. So that, if the yearly meeting be at any time dissatisfied with the proceedings of any inferior meeting; or the 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 meeting or meetings, ought, with readiness and meekness, to render an account thereof, when required."

This preparative meeting at Chesterfield, was established at an early period. It was, ever since its origin, connected with, and, in the sense of the book of discipline, subordinate to the Chesterfield monthly meeting; which was subordinate to the Burlington quarterly meeting; and that, to the Philadelphia yearly meeting.

Such were the connections sustained by this preparative meeting, at the commencement of the year 1827. I said, that we must review the history of the whole body, so far as it operated upon the division of the Chesterfield meeting, at the close of that year. During the same year, a division took place in the Philadelphia yearly meeting, which was followed up by divisions in all the subordinate meetings, or at least all, with which this preparative meeting was connected in its subordination. The division so resulted, that as early as tenth month, 1827, there were two yearly meetings in existence, (1 vol. Evid. 622; vol. Evid. 457.) each claiming to be the true yearly meeting of the society of Friends; one assembling in Arch street, and the other in Green street, Philadelphia. Which of these two meetings was the head to which the inferior meetings should account, &c. according to the constitution of the society? They could not both be. For in this case, it would not only be hard, but impossible, for the inferior meetings to serve two masters. But which should it be? Upon this point, the members of the inferior meetings could not agree. And hence, a corresponding division took place in the Burlington quarterly meeting, in eleventh month, 1827, (2 vol. Evid. 207, 8.) which resulted in two distinct quarterly meetings;
one assembling at the city of Burlington, and the other at Chesterfield. And a division also took place, in ninth or tenth month, 1827, in Chesterfield monthly meeting. A dispute arising, respecting the propriety of granting a certificate of membership to an individual, to be presented to Green street monthly meeting; which dispute was founded on the question, whether that meeting still retained its connection with the Arch street yearly meeting, or had joined that of Green street; the clerk, David Clark, not acting in reference to this matter, with the promptness desired by the party in favor of making the certificate, they considered him as refusing, or at least, as neglecting to serve the meeting, and at once called another person, Jediah Middleton, to the chair, to serve them as clerk. (1 vol. Evid. 337; 2 vol. Ibid. 284.) After which, the two parties conducted their business separately; the minority and old clerk, adhering to the Burlington quarterly meeting, in connection with the Arch street yearly meeting, and the other party sending representatives to the Green street yearly meeting. (2 vol. Evid. 296, 7, 323.)

It was after this complete division of the Chesterfield monthly meeting, that the transaction took place in the preparative meeting before noticed. These meetings were composed, in some measure, of the same persons. The clerk, James Brown, and many other persons there, had previously manifested their partiality to one or the other, of the great parties which had grown up in the society, and to their respective yearly meetings. In making out answers to the queries, which were, by the monthly meeting, in eleventh month, 1827, addressed to the preparative meeting, according to the book of discipline, page eighty-nine, the clerk of the preparative meeting had made return to Jediah Middleton, the clerk of that monthly meeting, connected with the Chesterfield quarter, and Green street yearly meeting; (2 vol. Evid. 323.) thus acknowledging the meeting of which he was clerk, to be a branch of that yearly meeting. He had also denied the authority of the monthly meeting, of which David Clark was clerk. (1 vol. Evid. 325; 2 vol. Ibid. 323.) In eleventh month, 1827, the Burlington quarter, connected with the Arch street yearly meeting, appointed a committee to visit its subordinate meetings. (1 vol. Evid. 325, 6.) On the twenty-seventh of twelfth month (December) that committee presented themselves before
the Chesterfield preparative meeting then assembled. A committee also presented itself from the Burlington quarter, connected with the Green street yearly meeting. An inquiry was made of the clerk, or meeting, in what connection this preparative meeting was then acting. No direct reply was given. It being manifest that the harmony of the meeting was broken, and all parties knowing the predilections of themselves and others to be so fixed, that it was useless to spend time in debate, the minority, wishing to sanction no proceeding which would change their connection or allegiance, withdrew; protesting against any forfeiture of their rights thereby. Since which, the two parties once composing that preparative meeting, have each held its own meeting, in subordination to their respective monthly, quarterly, and yearly meetings, as before stated.

Much investigation was made into the precise conduct of the respective parties, in effecting these divisions; but I do not regard the particular acts, or formalities, observed by these subordinate meetings, as of much consequence, seeing there is a complete separation of the society into two distinct bodies, acting under separate governments; although each still professes to adhere to the ancient discipline and worship. Our inquiry now must be, whether each of these bodies is to be considered as the society of Friends, contemplated in this trust, or only one of them: And if but one, which is that one? And which yearly meeting represents it? For if there be but one society, and one yearly meeting which answers to the trust, the inferior meetings must follow the fate of those to which they stand connected. Every Friend is a member of this yearly meeting. It is the yearly meeting which overlooks, controls, and exerts a care over all that are in connection with it; which hears their appeals in the last resort; which preserves their uniformity in discipline, and in the maintenance of their peculiar testimonies; in a word, which identifies them as a body of Friends. And in order to determine which is the true preparative meeting, at Crosswicks, we must ascertain which is the true yearly meeting of Friends, held in Philadelphia.

The yearly meeting was established in Burlington, in the year 1681. (I vol. Proud's Hist. Penn. 160, 61.) It was held alternately, at Burlington and Philadelphia, from 1684, to 1761; after which it
was removed entirely to Philadelphia, and was held there annually and in great harmony, until within the last ten or twelve years; within which time, jealousies have arisen among the members, which increased, until the meeting held in fourth month, 1827, which was the last held by the united body. The dissensions, previous to, and at that meeting, came to such a height, that one party withdrew, and took measures for the formation of a new yearly meeting, as the other party insist, or as they say, for the reorganization and purification of the old one. It will be necessary to look a little into particulars, to discover the character of this transaction, and what should be its effect upon the present case. And I should have observed, that I use the word party, or parties, "Orthodox" and "Hicksite," in this opinion, merely to designate individuals, or bodies of men, acting together, and not with any reference to the feelings, motives, or principles, upon which they may have acted.

Questions of importance were expected to arise at the yearly meeting of 1827, upon which disagreement was anticipated. The respective parties made such preparations for the approaching business of that meeting as they deemed proper. The clerk, being the officer who collects the sense of the meeting on the questions submitted to it, and declares its decisions, was justly considered as holding an important station, which neither was willing to have filled, by a person unfriendly to its views. The nomination of a clerk to the yearly meeting, was the appropriate business of the representatives from the quarterly meetings. (1 vol. Evid. 68, 217.) In the meeting held by them for that purpose, Samuel Bettel and John Comly were nominated. Each party advocated the pretensions of its favorite candidate, but neither candidate was agreed upon. Upon its being reported to the yearly meeting, that the representatives were unable to agree, some person suggested, that it was the practice of the society for the old clerk to act until a new one was appointed. (1 vol. Evid. 68, 218.) In this, there was, at least, a partial acquiescence of the opponents of the old clerk. (1 vol. Evid. 69, 218. 2 vol. Ib. 21, 267, 392.) He took his seat at the table, and John Comly, the rival candidate, took his, as assistant clerk. The next morning, the latter expressed a repugnance to serve the meeting, made up, as he stated, "of two irreconcilable parties;" but for some reason or other, he again
acquiesced, and acted as assistant clerk the residue of the meeting. One other subject of dispute occurred towards the close of that meeting. It was respecting the appointment of a committee to visit the inferior meetings. To this, there was considerable opposition, but the clerk finally recorded a minute in favor of the appointment. After which, the meeting adjourned, "to meet at the same time and place the next year." (1 vol. Evid. 70.)

On the nineteenth, twentieth and twenty-first of April, 1827, and during the sitting of the yearly meeting, another meeting was held in Green street, at which an address to the society of Friends was agreed upon; which was subscribed, by direction and in behalf of said meeting, by John Comly, and others; in which address, after alluding to the divided state of the society in doctrine and in feeling, and to measures of the yearly meeting deemed oppressive, they state their conviction, "that the period has fully come, in which we ought to look towards making a quiet retreat from this scene of confusion." (2 vol. Evid. 454.) They adjourned, to meet again in the same place on the fourth day of sixth month (June), 1827. At which second meeting, they agreed on and published a second address, in which, after adverting to disorders and divisions in the society, and transactions of the late yearly meeting, against the sense, as they considered, of the larger part of that body, they add, "Friends have viewed this state of things among us, with deep concern and exercise, patiently waiting in the hope, that time and reflection would convince our brethren of the impropriety of such a course, and that being favored to see the evil consequences of such conduct, they might retrace their steps. But hitherto, we have waited in vain. Time and opportunity for reflection have been amply afforded, but have not produced the desirable results. On the contrary, the spirit of discord and confusion have gained strength, and to us there appears now, to be no way to regain the harmony and tranquillity of the body, but by withdrawing ourselves, not from the society of Friends, nor from the exercise of its salutary discipline, but from religious communion with those who have introduced, and seem disposed to continue, such disorders among us." The address concludes, by proposing for consideration, "the propriety and expediency of holding a yearly meeting of Friends in unity with us, residing within the limits of those quarterly meetings,
heretofore represented in the yearly meeting held in Philadelphia, on the third second day in tenth month, (then) next.” (2 vol. Evid. 455, 456.) At which time, a yearly meeting was accordingly held, in Green street, Philadelphia; which has been continued, at the same place, from year to year; and which is the same yearly meeting, to which the Chesterfield monthly meeting, of which Jediah Middleton is clerk, sent representatives, and to which, that meeting, as well as the preparative meeting of which James Brown is clerk, gave in their adhesion. (1 vol. Evid. 50.)

Which of these yearly meetings represents the society of Friends contemplated in this trust? A first view strongly inclines us to answer, it is that held in Arch street. That was regularly adjourned to meet at the same time and place next year, and was then held accordingly, and has been regularly continued until the present time. The other meeting was held, first, in tenth month, 1827, by those who retreated, or withdrew from the disorders of the other, at a new time, in form at least, and a new place. One is the old meeting, and the other the new. But some circumstances attending this separation, involve the case in some degree of doubt. Those who formed the Green street meeting, claim to be the majority. They complain of various abuses existing in the society, for the preceding five years; that “measures of a party character were introduced” into some of their meetings for discipline, and that “the established order of society was infringed, by carrying those measures into execution against the judgment, and contrary to the voice, of a larger part of the Friends present.” “At length, the infection taking a wider range, appeared in our yearly meeting, where its deplorable effects were equally conspicuous. Means were recently taken therein to overrule the greater part of the representatives, and a clerk was imposed upon the meeting without their concurrence or consent.” And a committee was there appointed to visit the quarterly and monthly meetings without the unity of the meeting, and contrary to the solid sense and judgment of much the larger number of members in attendance.” (2 vol. Evid. 456.)

In connection with these complaints, we must take into consideration some peculiarities in the mode of conducting the religious meetings of Friends. It is insisted by the Arch street party, that the members of a meeting for discipline, are not entitled to equal
weight in their decisions; so that the clerk, whose business it is to ascertain and record the sense of the meeting, should not count the number of persons present, and decide with the majority of voices, but should pay more attention to elderly, pious, and experienced men, than to those of an opposite character. (1 vol. Evid. 64, 184, 333.) On the other side, it is insisted, that all have an equal voice, and that it is the duty of the clerk to record the opinion of the majority, in numbers; or at least, that he should not record a minute against the sense of the majority. (1 vol. Evid. 43, 2 vol. Ib. 244.) Another peculiarity, is this, insisted on by the Arch street party, and apparently conformable to usage, that until the appointment of a new clerk, the old one is to act. It may be easily perceived, that the effect of these principles combined, may be to place a meeting under the control of a minority, however small, or even of the clerk himself; and that the majority have no ordinary means of redress, for they never can appoint a new clerk, and never can carry any measure, however just and important, if unreasonably opposed. And if it be true, that through the operation of these principles, the majority, in the yearly meeting of fourth month, 1827, was deprived of its rights, it would incline me very much, to endeavor to distinguish this case from that of an ordinary secession from the government of a religious society.

The complaint, that the majority was overruled, relates, I presume, more particularly to the meeting of representatives from the various quarters, whose business it was to nominate a clerk. But the proceedings there, may have had, and were evidently, by all parties, expected to have, an important bearing on the proceedings of the yearly meeting. The facts are somewhat variously stated by the different witnesses. But, in the view I shall take of this question, I do not think it necessary to make a minute inquiry into the facts, or to decide those which are controverted.

It appears distinctly, that no count, or other certain means of ascertaining the majority was resorted to. The Green street party, however, claim the benefit of a presumption that they were the majority, arising from the fact that they insisted that the majority ought to govern, and endeavored to take measures to ascertain it. (1 vol. Evid. 372, 3.) This was resisted by the other party, either from conscious inferiority of numbers, or
from a conscientious desire, not to violate the ancient usage of
the society, as to the mode of ascertaining the solid sense of a
meeting.

As to the true mode of ascertaining the sense of a meeting, all
agree that it is the duty of the clerk to collect it, and it has been
the uniform practice in the society, for him to do so, without re-
sorting to a formal count, or division of parties. (1 vol. Evid. 64,
330, 458. 2 vol. Ib. 169, 250.) This society commenced in per-
secution, and has, heretofore, been distinguished for its harmony.
Believing in the operation of the spirit of truth on their minds, not
only in worship, but in business, if properly sought for, it has been
their practice solemnly to seek the guidance of the light within,
and seldom, or never, to attempt influence, through ingenious ar-
gument, or noisy declamation. Hence, few have attempted to
speak on questions. And these would naturally be the experi-
enced and aged. A few voices from such quarters, unopposed,
has always been sufficient to guide the clerk. If a contrariety of
views appeared, it has not been the practice to continue the de-
bate a long time, but if one party did not soon yield, to postpone
the subject for further consideration. Hence, it has doubtless
been usual for the clerks to look to leading men, principally, in ga-
thering the sense of the meeting. And this practice being ancient
and uniform, and withal countenanced by some of their most re-
spected writers, and connected with their religious faith, strength-
ened one party in its opinion, not only that it is right for the
clerk to do so, but that he may carry it so far, as to record a mi-
nute in opposition to the sense of the majority in numbers. (1 vol.
Evid. 35, 64, 184, 333.) The other party insist, on the contrary,
that the government in a yearly meeting, is strictly democratic;
that all have equal rights, and an equal voice, (1 vol. Evid. 43. 2
vol. Ib. 244.) and that however much the young and inexperi-
cenced may, in times past, have yielded to the wise and aged,
through courtesy, or from other causes, yet, upon a question of
strict right, they are all equal. This usage, as it has existed, has
no doubt, been salutary in its influence, and it is highly expedient
to preserve it. Indeed, it appears to be of almost vital impor-
tance to a religious society like this; into which, members are ad-
mitted without any public declaration of their faith, and even as a
birth right. And yet it is difficult to apply it, and act upon it, un-
der such circumstances as resulted in the present division. Here were two great parties, dividing, not only the numbers, but the talents, experience, and piety of this society, separated on important questions, and each tenacious of its opinions. How shall their controversies be decided? It is a general principle relating to all associations of men, that all the members of a meeting, who have a right to a voice at all, have a right to an equal voice, unless there be something in the terms of the association to vary those rights. It is conceded that all the members of this society, have the right to attend the yearly meeting; and that the clerk may notice the opinions of all. (1 vol. Evid. 85, 333.) How, then, is he to distinguish between them? The usage to accord superior weight to superior piety and experience, has, indeed, been uniform, yet it seems to want that degree of certainty in its application, which an imperative rule of government requires. Who is to judge which members have the most wisdom, or the greatest share of the spirit of truth? Each individual may concede it to another, so as to yield his own opinion to him, if he will. But who shall judge of it for a whole assembly? Who shall allot among a great many individuals, their comparative weight? If any body, it must be the clerk. The result is, that the government if not a democracy, very much resembles a monarchy. Neither party would be willing to call it the latter, unless by supposing the Great Head of the Church to preside, and rule therein. And this is, no doubt, the theoretic principle on this point. But who is to declare his decisions? We come back again to the clerk. Will he always declare them truly? To err, is human. He may be directed by light from above, or he may follow his own will. And this contest, shows that neither party had any confidence in the infallibility of the clerk, under the unusual and trying circumstances which existed. The persons nominated by the two parties, were respectable men, of great worth and experience. They had both, for a long time, served the society very satisfactorily, in the most responsible stations,—those of clerk, and assistant clerk. But both had, or were suspected to have, partialities, or wishes of their own, to be gratified by the decisions of the yearly meeting. And the consequence was, that they were both objects of the greatest distrust. The "Orthodox" did not believe that John Comly could serve the meeting faithfully, and the
"Hicksites" were equally dubious of the infallibility of Samuel Bettle.

This feature in the government of this society, whatever may be its precise limits, is intimately connected with their religious principles and doctrines. (1 vol. Evid. 64.) They believe that the Head of the Church, when properly invoked, will shed his influence upon their meetings, and be "a spirit of judgment, to those who sit in judgment." Hence, the clerk is suffered to gather the feeling and sense of a meeting, from those who have long manifested a spiritual walk and conversation, aided by the agency of the spirit of truth, in his own mind. But, it is at least possible, that a meeting should be unfitted, in a measure, for this intercourse with the spirit; and that the clerk may be influenced by earthly passions, and have a will of his own to subserve, as well as that of the Great Head of the Church. Should such a case arise, it must be perceived that the beauty of this theory is marred, and the government becomes, not what it was intended to be. May it not be said, that in such case, the condition on which the power of the clerk and the minority is founded, is broken? But if it be, who is to declare whether such a case has, or has not, arisen? Or, what is to be the effect of an abuse of this power? Or, how is it to be relieved against? I find myself met by these questions, and others, connected with this important and delicate subject. And supposing that the decision of this cause does not require an investigation of them, I shall not attempt it. Hence, I wish not to be understood as intimating any opinion, as to the complaints of the "Hicksite" party; whether there were really any good grounds for them, or not; or, whether, if there were, it would justify the course they took, or save them from the legal consequences of a secession. I would only observe, further, on this branch of the subject, that were this a mere naked trust, to be performed immediately, by the yearly meeting, I think I should have no hesitation to award it to the Arch street meeting; that being, in point of form, at least, the same meeting which was in existence at the time the trust was created. But the Chesterfield preparative meeting, with respect to this fund, may fairly be considered, not merely as a trustee, but as having a beneficiary interest, inasmuch as the fund is to be expended in the education of the children of such of its members as are poor. It is a subordinate
meeting, the pretensions of which are to be settled, by its acknowledging one or the other of these yearly meetings as its head. There was some difficulty in selecting which it should acknowledge; and if the majority have mistaken the truth, and connected themselves with the wrong head, (supposing this to be a mere dispute as to government, or discipline) I should feel very reluctant to conclude that they could have no further right or interest in the fund. But as I before intimated, I mean not to form, or express an opinion on this subject; for, in surveying the pleadings and testimony in this cause, the conviction urges itself strongly upon my mind, that there is another great distinction between these parties, which may be resorted to, to ascertain which is the true society of Friends, so far as the purposes of this case require the decision of that question. I mean the difference in doctrine.

Hendrickson, in his answer to the bill of interpleader, alludes that "the society of Friends, as a christian sect, hold doctrines in reference to christianity, which, like those of other sects, are in some measure, common to all christians, and in other respects, peculiar to themselves." And that "the following religious doctrines have always been held and maintained by them." (1 vol. Evid. 30.)

"In the first place, although the society of Friends have seldom made use of the word trinity, yet they believe in the existence of the Father, the Son, or Word, and the Holy Spirit. That the Son was God, and became flesh,—that there is one God and Father, of whom are all things,—that there is one Lord Jesus Christ, by whom all things were made, who was glorified with the Father before the world began, who is God over all, blessed forever—that there is one Holy Spirit, the promise of the Father and the Son, the leader, and sanctifier, and comforter of his people, and that these three are one, the Father, the Word, and the Spirit. That the principal difference between the people called Quakers, and other protestant trinitarian sects, in regard to the doctrine of the trinity, is, the latter attach the idea of individual personage to the three, as what they consider a fair logical inference from the doctrines expressly laid down in the Holy Scriptures. The people called Quakers, on the other hand, consider it a mystery beyond finite, human conception; take up the doctrine as express-